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STATE OF CALIFORNIA  
NATURAL RESOURCES AGENCY  
FISH AND GAME COMMISSION  
NEGATIVE DECLARATION  
FOR  
PROPOSED SIMPLIFICATION AND AMENDMENTS  
TO  
STATEWIDE INLAND SPORT FISHING REGULATIONS  
TITLE 14, CALIFORNIA CODE OF REGULATIONS

Prepared by:

California Department of Fish and Wildlife  
Fisheries Branch

This Report Has Been Prepared Pursuant to the  
California Environmental Quality Act of 1970  
State of California  
Natural Resources Agency  
Fish and Game Commission

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**INITIAL STUDY AND NEGATIVE DECLARATION  
FOR  
PROPOSED SIMPLIFICATION AND AMENDMENTS  
TO  
STATEWIDE INLAND SPORT FISHING REGULATIONS  
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

**The Project**

The California Fish and Game Commission (Commission) proposes to amend sections 3.00, 4.00, 5.00, 5.41, 5.85, 7.00, 7.50, and 8.10 in Title 14, California Code of Regulations (CCR) and add sections 5.84, 5.89, and 7.40 to Title 14, CCR, related to inland sport fishing regulations. The proposed changes aim to simplify and streamline sport fishing regulations for inland trout waters and align the inland trout regulations with the California Department of Fish and Wildlife's (Department) current fisheries management goals and objectives. Inland trout waters include lakes, reservoirs, rivers, streams, creeks, and other water bodies that are fishable under state regulation, and may be regulated by stretch or reach as defined by physical landmarks (e.g., the stretch of Putah Creek downstream of the Highway 113 bridge to Mace Boulevard). The proposed action is taken separately from that to address the complexity of the sport fishing regulations for those inland waters that are utilized by adult fish for migration and spawning after spending the majority of their lives in the ocean (i.e., anadromous waters).

Most of the proposed changes involve re-organizing existing regulatory requirements, and others are restrictions placed on the take of trout, including total or partial closures, reduced bag limits, size limits of various kinds, and limitations on the methods of take. The purpose of the restrictions is to eliminate or reduce the sport fish harvest, to protect populations of threatened trout, or to enhance the trophy element of the catch.

This project will:

- separate regulations for inland trout (i.e., non-anadromous waters) from those for steelhead and salmon (i.e., anadromous waters), a process that facilitates producing separate regulations booklets to help provide clarity to anglers;
- replace the District Regulations (Section 7.00) with statewide regulations separated for trout; and
- standardize and consolidate the Special Fishing Regulations (Section 7.50).

**The Findings**

In light of the initial study and the whole record before the Commission, there is no substantial evidence that the project may have a significant or potentially significant effect on the environment, and therefore no alternatives or mitigation measures are proposed to avoid or reduce any significant effects on the environment. There is no substantial evidence that the project may have a significant effect on aesthetics, agriculture and forestry resources, air quality, biological resources, cultural resources, energy, geology and soils, greenhouse gas emissions, hazards and hazardous materials, hydrology and water quality, land use and

planning, mineral resources, noise, population and housing, public services, recreation, transportation, tribal cultural resources, utilities and service systems, or wildfire.

### **Basis of the Findings**

Based on the initial study, there is no substantial evidence that implementing the proposed project may have a significant or potentially significant effect on the environment. Therefore, the Commission is filing this negative declaration pursuant to the California Environmental Quality Act, Public Resources Code Section 21080, subdivision (c).

The proposed initial study and negative declaration consists of:

- Introduction – Project Description and Background Information on the Proposed Amendments to Statewide Inland Sport Fishing Regulations
- Initial Study Environmental Checklist Form
- Explanation of the Response to the Initial Study Environmental Checklist Form
- Attachment A – Initial Statement of Reasons

**PROJECT DESCRIPTION AND BACKGROUND INFORMATION FOR  
PROPOSED AMENDMENTS  
TO  
STATEWIDE INLAND SPORT FISHING REGULATIONS  
TITLE 14, CALIFORNIA CODE OF REGULATIONS**

**Introduction**

Annually, the California Department of Fish and Wildlife (Department) recommends a variety of changes to the inland sport fishing regulations to the California Fish and Game Commission (Commission). The proposed changes are considered and evaluated by the Commission at regularly scheduled meetings, typically held in August, October, and December. The Commission makes the final determination on what changes to the regulations should be adopted at the December meeting.

This year, the Commission received the Department's recommended changes to the inland sport fishing regulations at the Commission's June 24-25, 2020 meeting held via webinar and teleconference and will adopt changes at its October 14-15 meeting in Oakland. The Commission is the lead agency for the purposes of CEQA for this project. Under California Fish and Game Code Section 200, the Commission has the authority to regulate the taking or possession of fish for the purpose of sport fishing.

**Project Goals and Objectives**

The goal of this project is to amend inland sport fishing regulations in furtherance of the state's policy on conserving, maintaining, and utilizing California's aquatic resources as stated in California Fish and Game Code Section 1700; the section includes three objectives:

1. Maintain sufficient populations of all aquatic species to ensure their continued existence.
2. Maintain sufficient resources to support a reasonable sport use.
3. Manage fisheries using best available science and public input.

**Background**

In 2013, the Department initiated a comprehensive evaluation of inland sport fishing regulations to address concerns from anglers regarding years of complex regulations. For example, currently there are 212 inland special fishing regulation waters in Section 7.50(b), including 88 different seasons, 13 different size restrictions, 10 different gear restrictions, and 6 different bag and possession limits, for both anadromous and non-anadromous waters. Furthermore, many waters have not been monitored for regulation effectiveness, and changes in hatchery stocking and angling practices warrant an updated evaluation of the sport fishing regulations.

The Department developed a framework to simplify sport fishing regulations guided by five goals or tenets:

1. Maintain or increase angling opportunity;
2. Improve regulatory consistency across similar waters;
3. Align sport fishing regulations with the Department's current fisheries management goals and objectives;

4. Reduce complexity and confusion; and
5. Protect the fishery resources.

After significant review of Special Fishing Regulations in Title 14, subsection 7.50(b), it became apparent much of the complexity and associated public frustration stemmed from the diversity of different regulations established over decades that had limited alignment or consistency. The use of District Fishing Regulations in Title 14, Section 7.00 increases confusion and inconsistency by applying political boundaries in contrast to the watershed approach found within the Special Fishing Regulations. The regulations were also reviewed and updated as necessary to ensure consistency with current management objectives.

### **Project Location**

The sport fishing regulation changes addressed by this environmental document occur throughout the inland waters of California.

### **Schedule**

If adopted by the Commission and approved by the Office of Administrative Law, the proposed regulatory amendments described herein are expected to go into effect March 1, 2021.

### **Project Description**

On June 25, 2020, the Department submitted to the Commission a number of proposed changes to California's inland fisheries sport fishing regulations. Section numbers refer to Title 14, California Code of Regulations (CCR). This project will amend sections 3.00, 4.00, 5.00, 5.41, 5.85, 7.00, 7.50, and 8.10 and add sections 5.84, 5.89, and 7.40.

As part of the effort to update the regulations and reduce complexity, the Department developed a suite of regulations, or "trout menu," comprised of angling seasons, bag and possession limits, size limits, and gear restrictions, to standardize the Special Fishing Regulations in Title 14, subsection 7.50(b) and uncouple the inland trout waters from the District General Regulations in Title 14, subsections 7.00(a)-(g) and from anadromous waters.

Application of the regulation trout menu attempts to standardize the Special Fishing Regulations based on fisheries management goals, which include maximizing fishing opportunity (most liberal) and protecting sensitive fishery populations (most conservative). The process for developing the menu started with identifying the statewide regulations for trout, evaluating the frequency of the most used special regulations, identifying which regulations continue to be biologically and locally relevant, and which are no longer relevant, and then consolidating the relevant regulations into the menu suite of biologically justifiable regulations that most effectively manage California's trout populations.

### ***Trout Menu***

The trout menu primarily applies to amended sections 5.85, 7.00 and 7.50, and added Section 7.40. The menu is divided into three categories of a standardized suite of management approaches reflected as regulatory elements for the 200+ inland special fishing waters in California:

- An updated Statewide Regulation;
- Seasons; and
- Bag/ Possession Limits (plus gear restrictions and size limits).

### *Statewide Regulations*

“**SL**” for Lakes and Reservoirs (proposed in amended subsection 5.85(a)(1)):

Open all year, 5 trout daily bag limit, 10 trout in possession.

“**SR**” for Rivers and Streams (proposed in amended subsection 5.85(a)(2)):

- From the last Saturday in April through November 15, 5 trout daily bag limit, 10 trout in possession; and, from November 16 through the Friday preceding the last Saturday in April, 0 trout bag limit, artificial lures with barbless hooks only and trout must be released unharmed and not removed from the water.

### *Seasons*

Seasons are described and designated by capital letters A-J (under “Menu Option” column shown in Table 1, the amended subsection 7.50(b) table):

- All year = Most liberal and focused on maximizing angling opportunities.
- Last Saturday in April through November 15 = Spring and summer angling season for both stocked and wild trout. Alignment with traditional trout season and Commission Policy for trout opener. Limited protections for spring and fall spawning trout.
- November 16 through the Friday preceding the last Saturday in April = For use in conjunction with a spring and summer angling season (**B**) to implement more restrictive bag limits and gear restrictions during spring and fall spawning.
- Last Saturday in April through July 31 = Alignment with a “traditional” trout opener (**A**) to support local communities for seasonal economic and fiscal needs (i.e., spring and summer tourism), and public safety concerns.
- August 1 through November 15 = Summer and fall angling season to allow for limited/selected harvest or closures to protect spawning runs, thermal refuges, or periods of elevated water temperatures.
- Saturday preceding Memorial Day through September 30 = Summer angling season where both spring and fall spawning trout aggregations occur.
- Saturday preceding Memorial Day through the last day in February = Spring fishing closure to protect spring spawning trout.
- September 1 through November 30 = Fall angling season to either protect fall spawning trout aggregations or allow angling during the fall when summer temperatures make angling impacts more significant.
- October 1 through the Friday preceding Memorial Day = For use in conjunction with a summer angling season (**F**) to implement more restrictive bag limits and gear restrictions during spring and fall spawning.

- J. Closed to fishing all year = Most conservative and used to protect populations that are listed species under the state or federal Endangered Species Act or imperiled populations upon which angling could have a significant negative effect.

*Bag and Possession Limits and Gear Restrictions*

Bag and possession limits and gear restrictions are described and designated by numbers 1-7 (under "Menu Option" column shown in Table 1, the amended subsection 7.50(b) table):

1. 5 trout, no gear restrictions = (most liberal) Robust, self-sustaining fisheries with low to moderate angling, or stocked fisheries with maximum sustainable harvest.
2. 2 trout per day, 4 trout in possession, no gear restrictions = Limited daily harvest but with additional possession, set for limited effect to hatchery supplemented or productive self-sustaining fisheries to allow some harvest. Moderate concern regarding harvest with minimal threat to total population.
3. 2 trout, artificial lures = Limited daily harvest without additional possession, set for limited effect to less productive self-sustaining fisheries to allow some harvest. Moderate concern regarding harvest with minimal threat to total population.
4. 2 trout with 14" total length minimum, artificial lures = Limited selected harvest with protection for smaller age classes. Allows most individuals to spawn prior to entering the fishery.
5. 2 trout with 18" total length minimum, artificial lures = Limited selected harvest with protection for smaller age classes in high productivity systems that can produce large trout. Allows individuals to spawn prior to trophy sized harvest.
6. 0 trout, artificial lures with barbless hooks = Reduce angling impacts to listed or sensitive populations, mitigate high use areas, seasonally eliminate harvest of spawning fish, or to achieve fast action or trophy fisheries.
7. 0 trout, artificial flies with barbless hooks = (most conservative) Reduce angling impacts to listed or sensitive populations, mitigate high use areas, seasonally eliminate harvest of spawning trout, achieve fast action or trophy fisheries, and/or promote/retain unique angling experiences.

Combined options for season (letter) and bag/possession limit and gear limitation (number) present as a capital letter-number code. For example, "B5" would signify a water with a season from the last Saturday in April through November 15, a bag/possession limit of 2 trout with 18" minimum size, and a gear restriction of artificial lures.

*Other Codes*

Two other codes in the right-hand column in Table 1, the subsection 7.50(b) table, inform anglers of how that particular water is considered, if it doesn't fall under one of the above codes.

"HSS" Refers to waters moved to the newly added Section 7.40 of Title 14 under the anadromous table for salmon and steelhead, proposed for naming as "Alphabetical List of Hatchery Steelhead and Salmon Waters with Special Fishing Regulations." Those waters with HSS coding are shown as strikeout in Section 7.50 because they are proposed for relocation to Section 7.40.

“Del##” Refers to a special water or regulation that is proposed for removal entirely from the Section 7.50(b) special fishing regulations table, and justification for the removal is outlined by numerical increment under the description for amendment of Section 7.50, with the proposed project and transfer of anadromous waters to a separate Section 7.40.

For those special waters without an assigned management approach from the menu listed in Appendix B, the proposed regulatory text outlining the “Menu Option” in the right-hand column indicates the assigned management approach for each water (assignment to statewide regulations for lakes/reservoirs denoted by “SL”, assignment to statewide regulations for rivers and streams denoted by “SR”, etc.).

### ***Proposed Regulation Changes***

As a result of the streamlining process, the number of:

- special regulation waters is reduced from 212 to 169 (anadromous and non-anadromous)
- special fishing seasons for non-anadromous waters will be reduced from 30 to 10;
- special size limits for non-anadromous waters will be reduced from 8 to 2;
- different gear restrictions for non-anadromous waters will be reduced from 10 to 7;
- different bag/ possession limits for non-anadromous waters will be reduced from 6 to 4; and
- fishing opportunities will be expanded on nearly 50 percent of the existing special regulation waters from a reduced season to year-round.

The proposed regulatory changes fall into two major categories, those that have no effect on fishing restrictions and are primarily administrative in nature, and those that affect restrictions on trout fishing including seasons, bag limits, size limits, and/or gear restrictions.

1. Changes with no effect to fishing restrictions and are for clarity purposes or are primarily administrative in nature. These changes include:
  - a. *Section 5.00 Black Bass*
    - Subsections (b)(2) for waters in Inyo County, and (b)(5) and (b)(16) for waters in Mono County. The Department is amending subsections (b)(2) and (b)(5) for waters in Inyo County to include reference to Inyo County streams and rivers in the Special Fishing Regulations in subsection 7.50(b). Subsection (b)(2) and (b)(5) amendments also clarify the closure to black bass fishing from November 16 to the Friday preceding the last Saturday in April to ensure anglers understand the open season is late April through November 15. Subsection (b)(16) similarly includes reference to Mono County streams and rivers in the Special Fishing Regulations in subsection 7.50(b), while correcting a reference for Fish Slough to the boundaries from Owens Valley Native Fishes Sanctuaries to the BLM Spring.
    - Subsection 5.00(b). The resulting proposed list of special black bass waters is re-numbered by paragraph for clarity and consistency.

- Subsections (b)(15) and (b)(22). Two changes of non-regulatory effect include removal of (b)(15) El Capitan Reservoir, and (b)(22) Perris Lake as listed in the table, due to existing redundancy with the statewide standard because the season (all year), size (12-inch minimum), and bag limit already matches that of the statewide standard.
  - The special closure language for (b)(14), Eastman Lake is being removed. This language was removed from the sport fishing regulations in 2017.
  - Subsection (a) title, General Statewide Restrictions, is changed to read General Statewide Regulations to be more accurate and consistent with other statewide regulations sections in Title 14.
  - Subsection (a)(1) is being amended to specify that the Black Bass 12-inch minimum size limit is to be measured in total length. This requirement is already specified in subsection 5.00(b). It is being added to Section 5.00(a)(1) to provide additional clarity.
- b. *Section 5.41. Landlocked Salmon*
- Subsection (e). This subsection is amended so that the same exceptions formerly referenced in subsection 7.50(b) are specifically listed within this subsection with a daily bag limit of ten salmon, and possession limit of twenty.
- c. *Section 5.85 Trout*
- Subsection (b). This subsection describes those exceptions to the statewide regulations, and refers readers to Section 7.50, Alphabetical List of Waters with Special Fishing Regulations for individual trout waters with special regulations that would not fall under the statewide regulation. Subsection (b) further clarifies that brook trout bag and possession limits may be in addition to the trout bag and possession limits.
- d. *Section 7.00. District General Regulations*
- Subsections (a)(1) and (b)(3). These subsections will be deleted. Waters under the North Coast District and Sierra District subsections are currently open to fishing all year, with a 5-trout daily bag limit, a 10-fish possession limit, no size limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), the new Statewide Regulation for lakes and reservoirs. In effect, there will be no substantive change to the existing regulations for these waters.
  - Subsection (b)(8). delete this subsection: This language is no longer needed under Section 7.00(b) as all Mono County waters under the District General Regulations will be subject to the two new Statewide Regulations for trout (i.e., Section 5.85(a) or Section 5.85(b)), or to Section 7.50(b), Special Fishing Regulations. This language does not need to move to Section 5.85 or Section 7.50 as waters under the new Statewide Regulations will be open to fishing year-round and similar language already exists under subsection 7.50(a)(3) of the Special Fishing Regulations.

- Subsection (b)(2), amend this subsection: Anadromous waters under this subsection for Tehama and Shasta counties are currently open to fishing from the last Saturday in April through November 15, with a 2-trout or steelhead daily bag and possession limit, and artificial lures with barbless hooks restriction. This subsection is amended for section and paragraph numbers, and to clarify the artificial lures possess hooks that are barbless.
  - Edits for clarity and consistency: These edits include re-numbering of paragraphs within District Regulations in subsections 7.00(b) through (g), adjusted capitalization of certain words throughout Section 7.00, and specification of the referenced Section number to clarify interpretation from the previous 7.50 to the newly added 7.40 section.
- e. *Section 8.10, Youth Fishing Derby, Susan River (Lassen County)*
- The Youth Fishing Derby on the Susan River is held every year one week before the trout season opener, which currently is the Saturday preceding the last Saturday in April. The Department is proposing to move the season opener from the last Saturday in April to the Saturday preceding Memorial Day. The Department will continue to hold the derby on the Saturday before the season opener and, therefore, it is necessary to change the youth fishing derby date from the Saturday preceding the last Saturday in April to the Saturday preceding the trout season opener in May. Added language refers to subsection 7.50(b)(149) for regulations on the Susan River.
- f. *Add Section 5.89. Salmon*
- This Section will be added only to refer readers to the appropriate regulatory sections for salmon and steelhead, which are not the focus of this current rulemaking, but may be for a subsequent one (i.e., Phase II).
- g. *Add Section 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations*
- For simplification purposes, the Department is proposing to separate the trout special fishing regulation waters (inland waters) from the salmon and steelhead special fishing regulation waters (anadromous waters). The special fishing regulations for trout will remain in Section 7.50. This requires a new regulatory section be created for the hatchery trout, hatchery steelhead and salmon special fishing regulation waters (abbreviated "HSS" per the coding outlined in the trout menu). The proposed new section is Section 7.40, Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations. The existing language in subsections 7.50(a)(1)-(6) will be included in the new Section 7.40, but references to trout will be replaced with salmon and steelhead. All the special waters indicated by the coding "HSS" in the subsection 7.50(b) table are moved into the new 7.40 table, and aside from this move, are not proposed to be altered as part of this rulemaking. Approximately 185 individual waters, or reaches of waters, are proposed to be moved from subsection 7.50(b) to the new 7.40 table.

- h. *Amend Section 3.00. Fishing Hours*
    - The reference in subsection (a)(1)(B) Heenan Lake, (Alpine Co.) is changed to subsection 7.50(b)(56) because of renumbering in the section.
  - i. *Amend Section 4.00. Bait - General*
    - The reference in subsection (d) Hat Creek is changed to subsection 7.50(b)(55) because of renumbering in the section.
2. Changes with effects to restrictions on trout fishing including seasons, bag limits, size limits, and/or gear restrictions are in Sections 5.00, 5.84, 5.85, 7.00, and 7.50, and are discussed individually in this document. There is no substantial evidence that any of the proposed changes will result in a significant effect on the environment. Specific changes to the regulations under the Project are attached to this Negative Declaration as Attachment A.
- a. *Section 5.00. Black Bass*
    - Subsections (b)(3) Lassen County; (b)(4) Modoc County; (b)(7) Shasta County; (b)(9) Big Lake (Shasta County); (b)(13) Diamond Valley Lake; (b)(25) Silverwood Lake; (b)(26) Skinner Lake; and (b)(28) Trinity Lake. These waters will be removed from the bass special regulations and will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a 5-fish daily bag limit. As a result, the current "no size limit" restriction on lakes and reservoirs in Lassen, Modoc, and Shasta counties and the 15-inch minimum size limit restriction on Diamond Valley, Silverwood, and Skinner lakes will revert to the standard 12-inch minimum size limit. The 2-fish bag limit on Silverwood, Skinner, and Trinity lakes will revert to the standard 5-fish bag limit.
    - Subsection (b)(29) Trout Lake. Amend the existing bass fishing season on Trout Lake to align with the proposed new trout fishing season under the Statewide Regulation "SL" as listed in subsection 7.50(b)(195.5) for Trout Lake. Under existing regulations, the fishing season for trout and bass is limited to Wednesdays and weekends from the last Saturday in April through September 30. This season was in place to restrict fishing in the Shasta Valley Wildlife Area during the waterfowl hunting season. Considering that management has shifted from focusing on trophy bass to general fishing opportunity, and because of other changes in waterfowl management through the Department's Lands Division, there is no longer a biological reason for restricting the fishing season on this lake,. The Department no longer manages Trout Lake as a trophy bass fishery and instead the lake is opened to general fishing opportunity, thus the current 22-inch minimum size limit and 1-fish bag limit is no longer necessary. Therefore, the Department is proposing to remove Trout Lake from the Special Black Bass fishing regulations. The Department's Lands division manages access to Trout Lake, including via a Lands Pass or other requirement pursuant to regulations for Wildlife Areas. This change will align the fishing seasons for bass and trout on the lake and, thus, eliminate potential law enforcement issues. With the removal of Trout

Lake from 5.00(b), the regulation for bass fishing on that lake will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a 5-fish daily bag limit.

b. *Section 5.84. Brook Trout.*

- Currently under the North Coast and Sierra District General Regulations (subsections 7.00(a)(5) and (b)(9)) up to 10 Brook Trout less than 8 inches and 10 inches, respectively, may be harvested per day, in addition to the daily bag and possession limits for trout. This regulation will be removed from Section 7.00 under the current proposal to uncouple the trout regulations from the District General Regulations. In its place, the Department is proposing a new Statewide Regulation for Brook Trout in Section 5.84 which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. Because of the remoteness of these fisheries and for simplification purposes, the Department is proposing to expand the Brook Trout bonus bag and possession limit to inland trout waters statewide. Exceptions to this Brook Trout bonus bag limit include all waters listed in Section 7.50, Trout Waters with Special Fishing Regulations, and Red Lake in Alpine County, which is managed as a trophy Brook Trout fishery.

c. *Section 5.85. Trout.*

- Subsection (a)(1). This subsection is being added to Section 5.85 to provide a new statewide regulation for slow-moving waters, or inland lakes, reservoirs, and ponds, as described in the trout menu and noted by the coding "SL." Under the new Statewide Regulation, these waters will be open to fishing all year, with a 5-trout daily bag limit, and 10-trout possession limit.
- Subsection (a)(2). This subsection is being added to Section 5.85 to provide a new statewide regulation for fast-moving waters, or streams, rivers, creeks, and canals, as described in the trout menu and noted by the coding "SR." Under the new Statewide Regulation, these waters will be open to fishing from the last Saturday in April through November 15, with a 5-trout daily bag limit, and a 10-trout possession limit; and, from November 16 through the Friday preceding the last Saturday in April, with a 0-trout bag limit, and artificial lures with barbless hooks only gear restriction.

d. *Section 7.00. District General Regulations*

To address anglers' concerns regarding the complexity of the 7.00 District General Regulations, the Department is proposing to uncouple the state's inland trout waters from the District General Regulations. Most regulations for trout waters currently under the District General Regulations will be moved to either the new subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs, or to subsection 5.85 (a)(2), Statewide Regulation for rivers, streams, creeks, and canals. Some individual trout waters will require special restrictions and reduced bag limits and, therefore, these regulations will be moved to Section 7.50, Special Fishing Regulations. The amendments will result in little or no

substantive change to the regulations for most waters currently under the District General Regulations. Clarifications are made to the opening paragraph prior to subsection 7.00(a) to ensure clarity that hatchery trout and hatchery steelhead are covered under Section 7.00.

The Department proposes to remove or amend 18 subsections:

- i. Subsections (a)(4), (b)(4), and (b)(7). These subsections will be deleted. Waters under the North Coast District and Sierra District subsections are currently open to fishing from the last Saturday in April through November 15, with a 5-trout daily bag limit, a 10-trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams, which will extend the fishing season on these waters to year-round with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- ii. Subsection (g)(1). This subsection will be deleted. Waters under this subsection are currently open to fishing year-round, with a 10-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. This will reduce the daily bag limit from 10 trout to 5 trout from the last Saturday in April through November 15 and allow catch and release fishing only from November 16 through the Friday preceding the last Saturday in April.
- iii. Subsections (a)(5) and (b)(9). These subsections will be deleted. The current bonus bag limit for Brook Trout under the North Coast and Sierra District General Regulations will move/revert to a new Section 5.84, Statewide Regulation for Brook Trout. The new Statewide Regulation for Brook Trout will apply to all inland trout waters not listed under the Special Fishing Regulations, except for Red Lake in Alpine County which is managed for trophy-sized trout by stocking effort.
- iv. Subsection (b)(5). This subsection will be deleted. Waters under this subsection in Shasta County are currently open to fishing from the last Saturday in April through November 15, with a 2-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This proposed change will increase the current daily bag limit to 5 trout and add a 10 - trout possession limit. In addition, the fishing season will be extended to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- v. Subsection (b)(6). This subsection will be deleted. Waters under this subsection in Lassen and Modoc counties are currently open to fishing from the Saturday preceding Memorial Day through November 15, with a 5-trout daily bag limit, a 10-trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will

move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.

- vi. Subsections (c)(1), (d)(1), (e)(1), (f)(1), and (g)(2). These subsections will be deleted. Waters under these subsections in the North Central District, Valley District, South Central District, Southern District, and Colorado River District are currently open to fishing all year, with a 5-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs. As a result, the possession limit on these waters will increase from 5 trout to 10 trout.
- vii. Subsections (d)(3), (f)(3), (f)(5), and (g)(2). Delete these subsections; waters under these subsections in the Valley District, Southern District, and Colorado River District are currently open to fishing all year, with a 5-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. As a result, the possession limit will increase from 5 trout to 10 trout from the last Saturday in April through November 15. Catch and release fishing only will be allowed from November 16 through the Friday preceding the last Saturday in April.
- viii. Subsection (e)(3). Amend this subsection; waters under this subsection for Alameda, Contra Costa, and Santa Clara counties are currently open to fishing from the last Saturday in April through November 15, with a 5-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will increase the possession limit to 10 trout and extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.

e. *Section 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations*

It is necessary to streamline the Special Regulations for trout waters by utilizing the trout menu to align the regulations with the Department's current fisheries management goals and objectives. The regulations proposed herein were tailored to each individual water, and include a variety of combinations of regulation elements, such as bag limits, gear restrictions, season restrictions, and size limits. Upon review of the extensive public input received during pre-notice outreach efforts, Department fisheries biologists and managers, often in consultation with fishing groups or individuals, assigned waters to the trout menu based on their expertise and knowledge of specific waters in their management area.

As noted in the attached initial statement of reasons (ISOR), proposed amendments and additional comments and considerations are summarized for

Section 7.50(b), Alphabetical List of Waters with Special Fishing Regulations. The ISOR includes the biological and management rationale for proposed changes to each special water, as well as other considerations such as public input, socio-economic considerations, traditional values, access, public safety, etc.

### Statewide Analysis

Because this is a statewide regulation change affecting inland sportfishing, changes to special waters for the 7.50 table was analyzed. Five regulatory elements were examined to assess the change in environmental baseline by county. Table 1 shows increases or decreases in the number of special waters with regard to:

1. Season increasing in duration, including those going year round;
2. where catch and release opportunity will be expanded (i.e., increased possession limits);
3. where bag limits will be increased;
4. where gear restrictions will be reduced or eliminated; and
5. where minimum size limits will be decreased.

In many cases, the regulatory proposal to balance angler opportunity with natural resources management was balanced. For instance, if a season were lengthened, frequently this would be paired with a decrease in bag limit. Many changes from a restricted season to year-round were paired with a 0-trout bag limit. Many waters were moved, with no substantive change, to Section 7.40, Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations. Others were removed from Section 7.50 because they would be covered under the proposed Statewide Regulation for lakes and reservoirs (SL), or rivers and streams (SR). Changes to the individual streams, rivers, creeks, or waterbodies outlined in the proposed revisions to Section 7.50 are summarized by county in Table 1.

Several waters were moved from the previous District regulations (Section 7.00) to having a specific season, bag or possession limit, or gear restriction for the special waters listed in Section 7.50 because they would not otherwise fit into the new statewide regulation for lakes and reservoirs, and streams and rivers under amended Section 5.85. To preserve the same season, bag/possession limit, and/or gear restriction listed in Section 7.00, those waters had to be moved to the Special Waters Section 7.50 table. Those waters identified as "new" in Table 1 are further detailed in Table 2 with respect to specific changes in moving from the District regulations to the Special Regulations in Section 7.50.

**Table 1.** Summary of Changes by County for Special Waters (Section 7.50 table) With Proposed Sportfish Simplification\*

County	# of Waters <sup>1</sup> Changing/ Total (+ New)	Notes on New	Increase in Season	Net Change in Angler Day Opportunity (New-Old)*	Increased Possession Limit	Increased Bag Limit	Gear Restrictions Decrease	Minimum Size Decrease	HSS	SL//SR	Del
Alameda	3/ 5 (+1)	A6		-74					1		
Alpine	6 /12 (+1)	A6	5	165		1	3				
Amador	2/ 2		1	0					1	1//	
Butte	12 /12		1	77					12		
Calaveras	3 /4			0					3		
Colusa	5 /5		1	159					3		
Contra Costa	7 /7			0					7		
Del Norte	5 /6			0					5		
El Dorado	5/ 5		3	40			1			1//	
Fresno	8 /14 (+2)	A1	4	469	2	2			2	//1	
Glenn	5/ 5		1	0					4		1
Humboldt	22 /23		1	77					17	1//1	
Inyo	14 /14 (+1)	B1	7	272		3	3			2//2	3
Kern	3 /3 (+2)	A1	2	159	2	1	2				
Lake	6/ 6		1	88					1		1
Lassen	7/ 11		4	575	1	3	3				2

County	# of Waters <sup>1</sup> Changing/ Total (+ New)	Notes on New	Increase in Season	Net Change in Angler Day Opportunity (New-Old)*	Increased Possession Limit	Increased Bag Limit	Gear Restrictions Decrease	Minimum Size Decrease	HSS	SL//SR	Del
Los Angeles	2 / 7			0					2		
Madera	5 / 5		2	45	1				2	//1	
Marin	8 / 8			-148			1	1	4		
Mariposa	3 / 3			0					0	//3	
Mendocino	20 / 20		1	77				1	18	//	
Merced	7 / 7			0					4	//3	1
Modoc	14 / 14 (+4)	G6	10	501	3	4	2		0	//1	4
Mono	55 / 66 (+17)	B1, F1	39	3448	19	26	25	3	0	//5	5
Monterey	19 / 20		1	-175					14	//1	
Napa	4 / 4			0					2		
Nevada	15 / 18		6	721			1	4	4	//	2
Orange	4 / 4										
Placer			1								
Plumas	9 / 12		3	137	1			1		//1	
Riverside	2 / 2			0							
Sacramento	7 / 7		2	0	1	1	1				
San Benito	2 / 2			0							

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County	# of Waters <sup>1</sup> Changing/ Total (+ New)	Notes on New	Increase in Season	Net Change in Angler Day Opportunity (New-Old)*	Increased Possession Limit	Increased Bag Limit	Gear Restrictions Decrease	Minimum Size Decrease	HSS	SL//SR	Del
San Bernardino	3 /3 (+3)	A1	3	0	3	3	4			//1	
San Diego	3 /4 (+4)	A3	5	365	5	5	5		3		
San Joaquin	8 /8			0							
San Luis Obispo	14 /14			0					11	1//1	1
San Mateo	12/ 12			-296					8	//1	
Santa Barbara	3 /3			0	1				2		
Santa Clara	14 /14 (+2)	A6	3	0	3	3	3		12		
Santa Cruz	6 /6			0					6		
Shasta	28 /32		9	752	1	1	4		3	1//2	6
Sierra	5 /6		2	636			1	1			
Siskiyou	16/ 19		1	399	3	1	1		3	2//1	8
Solano	1/ 3			0					1		
Sonoma	12/ 13			-148	2				10		
Stanislaus	4/ 5			0					4		
Sutter	12/ 12			0					12		
Tehama	13/ 13			0					13		

County	# of Waters <sup>1</sup> Changing/ Total (+ New)	Notes on New	Increase in Season	Net Change in Angler Day Opportunity (New-Old)*	Increased Possession Limit	Increased Bag Limit	Gear Restrictions Decrease	Minimum Size Decrease	HSS	SL//SR	Del
Trinity	19/ 19		6	239			3	3	8	1//2	1
Tulare	6/ 7	1	1	318	2	1	3	1		//2	1
Tuolumne	6/ 7		4	153	2	1	2		2		
Ventura	2/ 6			0						//2	
Yolo	1/ 1			0					1		
Yuba	12/ 13		1	318			1		9		

**Caveats:**

<sup>1</sup>This table includes waters, or reaches of waters (denoted by subsection 7.50(b)(91)(A), (B), (C) (D), etc.) Kings, Imperial Counties have no special waters.

*Increase in Season: Increase in season ONLY considered if there is an increase in angler days, and not going from a full-year split season.*

*Net changes in days available for angling is based on the net change in days per county from changes in proposed regs. If a water or two different segments of a water show the same change in season (e.g., B1 to F1), this change is Last Saturday in April through November 15 (206 days) - Saturday preceding Memorial Day through September 30 (~132 days) = Net of -74 days. Net changes do not include new angler days available with new waters or segments of waters moving from District Regulations (7.00) to the Special Regulations (7.50) (See Table 2 for examination of new waters).*

**“HSS”** Refers to waters moved to the newly added Section 7.40 of Title 14 under the anadromous table for salmon and steelhead, proposed for naming as “Alphabetical List of Hatchery Steelhead and Salmon Waters with Special Fishing Regulations.”

**“Del##”** Refers to a special water or regulation that is proposed for removal entirely from the Section 7.50(b) special regulations table, and justification for the removal is outlined by numerical increment below under the description for amendment of Section 7.50.

**“SL”** for Lakes and Reservoirs (proposed in amended subsection 5.85(a)(1))

**“SR”** for Rivers and Streams (proposed in amended subsection 5.85(a)(2))

**Table 2. Summary of Changes for New Waters by County.**

County	7.50(b) subsection Water(s)	District (7.00)	7.00 District Season, Bag/ Possession	7.50 New Reg Season, Bag/ Possession
Alameda	7.50(b)(2)(C) San Antonio, Calaveras Reservoirs	South Central	Last Sat. Apr.-Nov. 15; 5 trout	All Year, 0 trout, ALBH
Alpine/ El Dorado	7.50(b)(24) Caples Creek	Sierra	Last Sat. Apr.-Nov. 15; 5/ 10 trout	All Year, 0 trout, AFBH
Fresno	7.50(b)(70)(E)1., (70)(G) Kings River	Valley	All Year, 5 trout	same
Inyo	7.50(b)(124) Sabrina Lake	Sierra	Last Sat. Apr.-Nov. 15; 5/ 10 trout	last Sat. Apr.-Nov. 15; 5 trout
Kern	7.50(b)(65) Isabella Lake; 7.50(b)(69)(C) Kern River	Valley	All Year, 5 trout	same
Modoc	7.50(b)(43) Dismal Creek; (52) Goose Lake & tribs; (109) Pit River; (156) Twelvemile Creek	Sierra	Sat. before Memorial Day - Nov. 15; 5/ 10 trout	last day Feb., 0 trout, ALBH; 2 or 5 trout
Mono	7.50(b)(16) Bridgeport Reservoir & tribs; (30) Convict Lake; (50) George Lake; (53) Grant Lake; (54) Gull Lake; (60) Horseshoe; (67) June Lake; (82) Lundy Lake; (85) Mamie Lake, (89) Mary Lake; (121) Rock Creek; (123)(B) Rush Creek*, (137) Silver Lake; (144) South Lake; (157) Twin Lakes Mammoth; (158) Twin Lakes Bridgeport (161) Virginia Lakes.	Sierra	Last Sat. Apr.-Nov. 15; 5/ 10 trout	last Sat. Apr.-Nov. 15; 5 trout *Sat. before Memorial Day – Sept. 30; 5 trout (1)
San Bernardino	7.50(b)(83) Lytle Creek; (96) Miller Canyon; (130) Santa Ana	Southern	All Year, 5 trout	same
San Diego	7.50(b)(15) Boulder Creek; (72) Kitchen Creek; (107) Pine Valley Creek; (129) San Luis Rey River	Southern	All Year, 5 trout	All year, AL, 2 trout
Santa Clara	7.50(b)(81) Los Gatos Creek; (147) Stevens Creek	South Central	Last Sat. Apr.-Nov. 15; 5 trout	All year, ALBH, 0 trout

AL = artificial lures; ALBH = artificial lures w/ barbless hooks; AFBH = artificial flies w/ barbless hooks

## INITIAL STUDY ENVIRONMENTAL CHECKLIST FORM

1. Project Title:  
Proposed Simplification and Amendments to Statewide Inland Sport Fishing Regulations, Title 14, California Code of Regulations
2. Lead Agency Name and Address:  
California Fish and Game Commission  
P.O. Box 944209  
Sacramento, CA 94244-2090
3. Contact Person and Phone Number:  
Melissa Miller-Henson, (916) 653-4899
4. Project Location:  
Inland trout and bass waters of California.
5. Project Sponsor's Name and Address:  
California Department of Fish and Wildlife  
Fisheries Branch  
P.O. Box 944209  
Sacramento, CA 94244-2090
6. General Plan designation:  
N/A (statewide)
7. Zoning:  
N/A (statewide)
8. Description of Project:  
The California Fish and Game Commission proposes to amend sport fishing regulations for inland trout and bass waters including seasons, daily bag and possession limits, size limits, gear restrictions, and water area boundaries, to maintain consistency with the mission of managing California's diverse fisheries resources for their ecological value and their use and enjoyment by the public.
9. Surrounding land uses and setting:  
N/A
10. Other Public Agencies Whose Approval Is Required:  
None.
11. Have California Native American tribes traditionally and culturally affiliated with the project area requested consultation pursuant to Public Resources Code section 21080.31?  
The Department and Commission, consistent with the Department's Tribal Communication and Consultation Policy and the Commission's Tribal Consultation Policy, sent a letter inviting the tribes listed with the Native American Heritage Commission to consult or provide comments concerning the project. No reply was received.

### ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" as indicated by the checklist on the following pages.

- |  |   |   |
|--|---|---|
| <input type="checkbox"/> Aesthetics                | <input type="checkbox"/> Agriculture and Forestry | <input type="checkbox"/> Air Quality                        |
| <input type="checkbox"/> Biological Resources      | <input type="checkbox"/> Cultural Resources       | <input type="checkbox"/> Energy                             |
| <input type="checkbox"/> Geology/Soils             | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Hazards and Hazardous Materials    |
| <input type="checkbox"/> Hydrology/Water Quality   | <input type="checkbox"/> Land Use/Planning        | <input type="checkbox"/> Mineral Resources                  |
| <input type="checkbox"/> Noise                     | <input type="checkbox"/> Population/Housing       | <input type="checkbox"/> Public Services                    |
| <input type="checkbox"/> Recreation                | <input type="checkbox"/> Transportation           | <input type="checkbox"/> Tribal Cultural Resources          |
| <input type="checkbox"/> Utilities/Service Systems | <input type="checkbox"/> Wildfire                 | <input type="checkbox"/> Mandatory Findings of Significance |

This project will not have a "Potentially Significant Impact" on any of the environmental factors listed above.

### DETERMINATION

On the basis of this initial evaluation:

- I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.
- I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.
- I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.
- I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.
- I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

DocuSigned by:  
  
 Melissa Miller-Henson, Executive Director

9/9/2020

Date

**ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND  
EXPLANATION OF RESPONSES TO  
INITIAL STUDY ENVIRONMENTAL CHECKLIST**

**I. AESTHETICS.**

Except as provided in Public Resources Code Section 21099, would the project:

	<b>I.</b>	<b>II.</b>	<b>III.</b>	<b>IV.</b>
a) Have a substantial adverse effect on a scenic vista	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially degrade the existing visual character or quality of public views of the site and its surroundings? (Public views are those that are experienced from publicly accessible vantage point). If the project is in an urbanized area, would the project conflict with applicable zoning and other regulations governing scenic quality.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**AESTHETICS – Explanation for Significance**

- a) The project will not have an adverse effect on a scenic vista. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- b) The project will not damage scenic resources such as trees, rock outcroppings, and historic buildings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- c) The project will not substantially degrade the existing visual character or quality of public views of the site and its surroundings. Such an impact will not occur because the project will not involve any construction, land alteration, or modification of any buildings or structures.
- d) The project will not create a new source of substantial light or glare which would adversely affect day or nighttime views in the area.

**II. AGRICULTURE AND FORESTRY RESOURCES.**

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. In determining whether impacts to forest resources, including timberland, are significant environmental effects, lead agencies may refer to information compiled by the California Department of Forestry and Fire Protection regarding the state's inventory of forest land, including the Forest and Range Assessment Project and the Forest Legacy Assessment Project; and the forest carbon measurement methodology provided in Forest Protocols adopted by the California Air Resources Board. Would the project:

	I.	II.	III.	IV.
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Conflict with existing zoning for, or cause rezoning of, forest land (as defined in Public Resources Code section 12220(g)), timberland (as defined by Public Resources Code section 4526), or timberland zoned Timberland Production (as defined by Government Code section 51104(g))?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in the loss of forest land or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use or conversion of forest land to non-forest use?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**AGRICULTURE AND FORESTRY RESOURCES – Explanation for Significance**

- a) The project will not convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program (FMMP) of the California Resources Agency, to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

- b) The project will not conflict with existing zoning for agricultural use or a Williamson Act contract. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- c) The project will not conflict with existing zoning for, or cause rezoning of, forest land, timberland, or timber zoned Timberland Production. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- d) There will be no loss of forest land and the project will not result in the conversion of forest land to non-forest use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.
- e) The project will not involve other changes in the existing environment, which due to their location or nature, could result in conversion of Farmland to non-agricultural use. Such an impact will not occur because the project will not involve any construction, land alteration, or land use changes.

**III. AIR QUALITY.**

Where available, the significance criteria established by the applicable air quality management district or air pollution control district may be relied upon to make the following determinations. Would the project:

	I.	II.	III.	IV.
a) Conflict with or obstruct implementation of the applicable air quality plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Expose sensitive receptors to substantial pollutant concentrations?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Result in any other emissions such as those leading to odors affecting a substantial number of people?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**AIR QUALITY – Explanation for Significance**

- a) The project will not conflict with or obstruct implementation of the applicable air quality plan. Such an impact will not occur because the project will not create any features that would be a source of air pollution.

- b) The project will not result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable Federal or State ambient air quality standard. Such an impact will not occur because the project involves no ongoing sources of air pollution.
- c) The project will not expose sensitive receptors to substantial pollutant concentrations. There may be a small increase in air pollutant emissions due to a small increase in angler trips, but the impacts on air quality will be less than significant because the number of angler trips is expected to be much lower in the winter months due to inclement weather and less trout activity during this time.
- d) The project will not create objectionable odors affecting a substantial number of people.

**IV. BIOLOGICAL RESOURCES.**

Would the project:

	I.	II.	III.	IV.
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations or by the California Department of Fish and Wildlife or U.S. Fish and Wildlife Service?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Have a substantial adverse effect on state or federally protected wetlands (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**BIOLOGICAL RESOURCES – Explanation for Significance**

- a) The project will not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Wildlife (Department), National Marine Fisheries Service (NMFS) or U.S. Fish and Wildlife Service (USFWS).

This project will amend sport fishing regulations for trout in inland waters of California to simplify and streamline the inland trout regulations and align the regulations with the Department's current fisheries management goals and objectives. The project includes changes to trout fishing seasons, bag and possession limits, gear restrictions, and size limits. Species of trout subject to sport fishing regulations in California include California Golden Trout, Rainbow Trout, Brown Trout, Brook Trout, Lahontan Cutthroat Trout, Eagle Lake Rainbow Trout, Kern River Rainbow Trout, Goose Lake Redband Trout, McCloud River Redband Trout, Paiute Cutthroat Trout, Little Kern Golden Trout, and Warner Lakes Redband Trout.

Three of these species of trout are classified as threatened or endangered by the federal or state government. These include the Little Kern Golden Trout of the Little Kern River drainage (Tulare County); Lahontan Cutthroat Trout which inhabit several lakes and streams in the central Sierra Nevada; and the Paiute Cutthroat Trout which occupy the Silver King Creek drainage (Alpine County), North Fork of Cottonwood Creek (Mono County), Sharktooth Creek (Fresno County), and Stairway Creek (Madera County). All three of these species are listed as threatened under the federal Endangered Species Act. Below is a description of the potential effects of the project on these species.

Little Kern Golden Trout

The Little Kern Golden Trout has regulatory protection which currently consists of a reduced fishing season, five-trout daily bag and possession limit, and gear restricted to artificial lures with barbless hooks. The project proposes to amend the fishing regulations in the Golden Trout Wilderness Area to allow fishing all year and reduce the daily bag limit to two trout. In addition, because take is allowed, the requirement for barbless hooks will be removed. While this proposed regulation change will increase fishing opportunity on Little Kern Golden Trout, the reduced daily bag limit will protect small and vulnerable populations of native Golden Trout and keep populations at self-sustaining levels. In addition, the Little Kern Golden Trout is located in the Golden Trout Wilderness Area, where angling pressure is light. As a result, the proposed regulation changes will have a less than significant effect on this species.

### Paiute Cutthroat Trout

The Paiute Cutthroat Trout is protected by closures of the following waters: North Fork Cottonwood Creek and tributaries (Mono County), Coyote Valley Creek and tributaries (Alpine County), Corral Valley Creek and tributaries (Alpine County), and Silver King Creek and tributaries (Alpine County). The project is not proposing to change the current fishing regulations for these waters. Therefore, the project will have no effect on Paiute Cutthroat Trout.

### Lahontan Cutthroat Trout

A broodstock of Lahontan Cutthroat Trout (LCT) is maintained in Heenan Lake (Alpine County) that provides fish for planting in California waters. Progeny from this broodstock are stocked in several Lahontan drainage lakes and streams. Several waters are currently closed to fishing to protect LCT. These include By-Day Creek and tributaries (Mono County), Macklin Creek (Nevada County), Martis Lake tributaries (Nevada and Placer counties), East Fork Carson River above Carson Falls and tributaries (Alpine County), Murray Canyon Creek (Alpine County), Pole Creek and tributaries (Placer County), Meiss Lake (Alpine County), and Mill Creek and tributaries (Mono County). In addition to these closures, LCT has regulatory protection on Heenan Lake (its tributary is closed to fishing), Independence Lake (its tributaries are closed to fishing), West Fork of Portuguese Creek, Slinkard Creek, Upper Truckee River, Convict Creek, Hilton Creek, McGee Creek, Kirman Lake, Owens River, Robinson Creek, Rush Creek, Wolf Creek, and Whiskey Creek. This project proposes to amend the fishing regulations for several of the waters listed above. Below is a discussion of the potential effects to LCT.

- 1) Upper Truckee River. The project proposes to amend the regulations on the Upper Truckee River in Alpine County. For simplification purposes, the project proposes to change the fishing season on the upper Truckee River from July 1 through September 30 to the Saturday preceding Memorial Day through September 30. The current zero trout bag limit and artificial lures with barbless hooks gear restriction will remain in place. This proposed regulation change will provide one additional month of angling opportunity and will have no significant effect on LCT.
- 2) Meiss Lake. Meiss Lake is currently closed to fishing. Meiss Lake is on a tributary to the Upper Truckee River that allows catch and release fishing. The project proposes to open the lake to catch and release fishing to conform with the current regulations on the Upper Truckee River and its tributaries. Meiss Lake is shallow with subsurface vegetation, creating a difficult fishery. In addition, the Department's data show there are very few, if any, LCT in Meiss Lake. The proposed regulation change will have a less than significant effect on LCT.
- 3) Slinkard Creek. Slinkard Creek is currently open to fishing from August 1 through November 15, with a zero trout bag limit, and gear restricted to artificial flies with barbless hooks. The project proposes to open Slinkard Creek to fishing all year with no change to the bag limit or gear restriction. This regulation change will provide anglers additional opportunity for LCT catch and release fishing. The current restrictions on harvest and gear provide protection for LCT. Slinkard Creek has a robust population of LCT and can sustain catch and release fishing year-round. In addition, Slinkard Creek is

hard to access for some anglers, so fishing pressure on this water is light. The proposed regulation change will have a less than significant effect on LCT.

- 4) Martis Lake tributaries. Martis Lake tributaries are currently closed to fishing. The project proposes to open these tributaries to fishing all year, with a zero trout bag limit, and gear restricted to artificial lures with barbless hooks. This will provide opportunity for catch and release fishing on LCT, and protection of LCT by utilizing harvest and gear restrictions. The proposed regulation is anticipated to provide sufficient protection of LCT as these waters have a large enough population of LCT to withstand catch and release fishing year-round. This regulation change will have a less than significant effect on LCT.
- 5) Upper Owens River. On the Upper Owens River from Benton Bridge road crossing upstream to Big Springs, the project proposes to reduce the daily bag limit from two trout to zero trout from the last Saturday in April through November 15. This regulation change will have beneficial effects to LCT. From Benton Bridge road crossing downstream to the Upper Owens River fishing monument, the project proposes to reduce the daily bag limit from 5 trout to 2 trout in August and September. The proposed regulation change will have a less than significant effect on LCT.
- 6) Mill Creek and tributaries. The project proposes to amend the current fishing regulation on Mill Creek and tributaries in Mono County from closed to fishing to open to fishing all year, with a zero fish bag limit, and gear restricted to artificial lures with barbless hooks. The proposed regulation is anticipated to provide sufficient protection of LCT as these waters are normally inaccessible from December through May and have a large enough population of LCT to withstand catch and release fishing. This proposed regulation change will have a less than significant effect on LCT.
- 7) Heenan Lake. Heenan Lake is open to fishing on Fridays, Saturdays, and Sundays from the Friday before Labor Day through the last Sunday in October. The project proposes to change the fishing season to September 1 through November 30. The zero trout bag limit and gear restriction will not change. This regulation change will provide additional fishing opportunity on the lake. Recent surveys suggest that the LCT population in Heenan Lake is large and approximately 3,000 LCT are planted back in the lake each year after being spawned in the hatchery. Therefore, the proposed regulation change on Heenan Lake will have a less than significant effect on LCT.
- 8) Portuguese Creek. The project proposes to change the fishing season on Portuguese Creek from the last Saturday in April through November 15 to the Saturday preceding Memorial Day through the last day in February. The zero trout bag limit and gear restriction will not change. This proposed change will provide additional opportunity for LCT catch and release fishing in the winter and protection for adult spawners in the spring. The proposed regulation is anticipated to provide sufficient protection of LCT as this water has a large enough population of LCT to withstand catch and release fishing during winter. This proposed regulation change will have a less than significant effect on LCT.
- 9) Independence Lake. The project proposes to amend the fishing regulations on Independence Lake from a five-trout daily bag/10 trout possession limit to a zero trout

bag limit. This regulation change will have a beneficial effect on Lahontan Cutthroat Trout.

10) Other LCT Waters. The project proposes to shorten the fishing season on Convict Creek, Hilton Creek, McGee creek, Robinson Creek, Rush Creek, and Whiskey Creek. The proposed regulation changes on these waters will have beneficial effects on LCT.

- b) The project will not have a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, and regulations, or by the California Department of Fish and Wildlife (Department) or the USFWS because no development of facilities or infrastructure in or near state waters is proposed, and angler use is not anticipated to substantially increase on trout waters where sport fishing regulations will be liberalized. The reasons for this conclusion are discussed below.

#### Changes to District and Special Trout Fishing Regulations

The project proposes to liberalize sport fishing regulations on many inland trout waters currently regulated under the District General Regulations, Title 14, Section 7.00, and under the Special Fishing Regulations, Title 14, Section 7.50. This includes extending the fishing seasons on many streams currently regulated under the District General Regulations and on approximately 50 streams and 20 lakes regulated under the Special Fishing Regulations. Most of these waters close to fishing on November 15 to protect fall and spring spawning trout. To provide an opportunity for fishing in the winter, the project proposes to extend the fishing seasons on these waters through February or April, with only catch and release fishing allowed on most waters to protect spawning fish. In addition, the project proposes to open five special regulation waters that are currently closed to fishing. All of these waters are expected to receive some level of angler use during the proposed new or extended fishing seasons. However, angler use during these times is expected to be low because: (1) most of the waters are located in sparsely populated areas of the state, (2) many waters are in remote areas, some of which are not easily accessible, if at all, in the winter, and (3) trout anglers are less likely to fish during the winter because cold weather and marginal water temperatures make catching trout difficult.

#### Changes to Bass Fishing Regulations

The project proposes to amend the bass regulations on lakes and reservoirs in Lassen, Modoc, and Shasta counties, and on Diamond Valley, Silverwood, Skinner, Trinity, and Trout lakes. These waters will be removed from the bass special regulations and will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. The proposed regulation changes are not expected to increase angling pressure on these waters.

#### Changes to Brook Trout Fishing Regulations

The project proposes to add a new Statewide Regulation for Brook Trout which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. This will expand the current Brook Trout bonus bag limit from waters under the North Coast and Sierra District General Regulations to all inland trout waters under the new Statewide Regulations. Although most Brook Trout fisheries occur in the North Coast and

Sierra districts, these wilderness fisheries also occur in other areas of the state, but are hard to access for most anglers. Because of the remoteness of the Brook Trout fisheries, the proposed regulation change is not expected to increase angling pressure on these waters.

- c) The project will not have a substantial adverse effect on state or federally protected wetlands defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means because the Project does not involve any on-the-ground physical changes that would affect wetlands, and because angler use is not anticipated to substantially increase on waters where longer fishing seasons and increased bag limits are proposed.
- d) The project will not substantially interfere with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites because the Project does not involve any on-the-ground physical changes, and because angler use is not anticipated to substantially increase on waters where longer fishing seasons and increased bag limits are proposed.
- e) The project will not conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance. Such an impact will not occur because the project does not involve any on-the-ground physical changes.
- f) The project will not conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or State habitat conservation plan. Such an impact will not occur because it does not propose to develop any lands identified for conservation.

**V. CULTURAL RESOURCES.**

Would the project:

	I.	II.	III.	IV.
a) Cause a substantial adverse change in the significance of a historical resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Disturb any human remains, including those interred outside of formal cemeteries?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**CULTURAL RESOURCES – Explanation for Significance**

- a) The project will not cause a substantial adverse change in the significance of a historical resource pursuant to Section 15064.5. There is no ground disturbing work or work permanently modifying any existing structure or resource and thus no potential to affect historical resources.
- b) The project will not cause a substantial adverse change in the significance of an archaeological resource pursuant to Section 15064.5. There is no ground disturbing work and thus no potential to affect archaeological resources.
- c) The project will not disturb any human remains, including those interred outside of formal cemeteries. There is no ground disturbing work and thus no potential to affect human remains.

**VI. ENERGY.**

Would the project:

	I.	II.	III.	IV.
a) Result in potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Conflict with or obstruct a state or local plan for renewable energy or energy efficiency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**ENERGY – Explanation for Significance**

- a) The project would not result in a potentially significant environmental impact due to wasteful inefficient, or unnecessary consumption of energy resources, during project construction or operations. Such an impact will not occur because the project will not use energy resources.
- b) The project will not affect nor obstruct any state or local plan for renewable energy or energy efficiency.

**VII. GEOLOGY AND SOILS.**

Would the project:

	I.	II.	III.	IV.
a) Directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) Strong seismic ground shaking?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) Seismic-related ground failure, including liquefaction?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) Landslides?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in substantial soil erosion or the loss of topsoil?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of waste water?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**GEOLOGY AND SOILS – Explanation for Significance**

a i) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area, or based on other substantial evidence of a known fault. Such an impact will not occur because the project will not create any structures for human habitation.

- a ii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving strong seismic ground shaking. Such an impact will not occur because the project will not create any structures for human habitation.
- a iii) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving seismic-related ground failure, including liquefaction. Such an impact will not occur because the project will not create any structures for human habitation.
- a iv) The project will not directly or indirectly cause potential substantial adverse effects, including the risk of loss, injury, or death involving landslides. Such an impact will not occur because the project will not create any structures for human habitation.
- b) The project will not result in substantial soil erosion or the loss of topsoil. Such an impact will not occur because the project will not involve any construction, earth moving, or ground clearing activities.
- c) The project will not be located on a geologic unit or soil that is unstable, or that would become unstable and potentially result in on- or off- site landslides, lateral spreading, subsidence, liquefaction, or collapse. Such an impact will not occur because the project will not involve and construction, earth moving, ground clearing, or well drilling.
- d) The project will not be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial direct or indirect risks to life or property. Such an impact will not occur because the project does not create any structures for human habitation.
- e) The project will not create any sources of waste water requiring a septic system.

**VIII. GREENHOUSE GAS EMISSIONS.**

Would the project:

	I.	II.	III.	IV.
a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**GREENHOUSE GAS EMISSIONS – Explanation for Significance**

- a) The project will not generate greenhouse gas emissions, either directly or indirectly, that

may have a significant impact on the environment. The project will not involve construction, land alteration, or land use changes.

#### Changes to District and Special Trout Fishing Regulations

The project proposes to provide additional fishing opportunities on many waters currently regulated under the District General Regulations, Title 14, Section 7.00, and under the Special Fishing Regulations, Title 14, Section 7.50. These additional fishing opportunities include longer fishing seasons. Many waters will open to year-round fishing to provide fishing opportunity in the winter. As a result, the project could result in additional angler trips to many trout waters throughout the state during the extended fishing seasons on these waters. Vehicles that use fuel will be used to access these waters and their internal combustion engines will produce some greenhouse gas (GHG) emissions. However, the number of additional fishing trips to these waters is anticipated to be low because angler effort is much lower in the winter months than in the summer months due to inclement weather conditions and because trout are less active in the winter, which makes catching trout difficult. Therefore, the small amount of GHG emissions resulting from the project would represent a very small increase over emissions occurring under existing regulations and, thus, would not have a significant impact on the environment.

#### Changes to Bass Fishing Regulations

The project proposes to amend the bass regulations on lakes and reservoirs in Lassen, Modoc, and Shasta counties, and on Diamond Valley, Silverwood, Skinner, Trinity, and Trout lakes. These waters will be removed from the bass special regulations and will revert to the statewide standard of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. The proposed regulation changes are not expected to result in an increase in the number of fishing trips to these waters.

#### Changes to Brook Trout Fishing Regulations

The project proposes to add a new Statewide Regulation for Brook Trout which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. This will expand the current Brook Trout bonus bag limit from waters under the North Coast and Sierra District General Regulations to all inland trout waters under the new Statewide Regulations. Although most Brook Trout fisheries occur in the North Coast and Sierra districts, these wilderness fisheries also occur in other areas of the state, but are hard to access for most anglers. Because of the remoteness of the Brook Trout fisheries, the proposed regulation change is not expected to result in an increase in the number of fishing trips to these waters.

- b) The project will not conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of GHG. The project would result in the production of very low GHG emissions.

### **IX. HAZARDS AND HAZARDOUS MATERIALS.**

Would the project:

	I.	II.	III.	IV.
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard or excessive noise for people residing or working in the project area?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
f) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
g) Expose people or structures, either directly or indirectly, to a significant risk of loss, injury or death involving wildland fires?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

#### HAZARDS AND HAZARDOUS MATERIALS – Explanation for Significance

- a) The project will not create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials. The project will not involve the transport, use, or disposal of hazardous materials.
- b) The project will not create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment. The project will not involve the transport, use, or disposal of hazardous materials.

- c) The project will not emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school. The project will not involve the transport, use, or emission of any hazardous materials.
- d) The project will not be located on any site that is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5.
- e) The project will not be located within an airport land use plan area.
- f) The project will not impair implementation of, or physically interfere with, an adopted emergency response plan or emergency evacuation plan. The project will not involve any construction, land alteration, or land use changes.
- g) The project will not expose people or structures to a significant risk of loss, injury, or death involving wild land fires. The project will not involve any construction, land alteration, or land use changes.

**X. HYDROLOGY AND WATER QUALITY.**

Would the project:

	I.	II.	III.	IV.
a) Violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river or through the addition of impervious surfaces, in a manner which would:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) result in substantial erosion or siltation on- or off-site?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or offsite;	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iii) create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage system or provide substantial additional sources of pollution runoff; or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
iv) impeded or redirect flood flows?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) In flood hazard, tsunami, or seiche zones, risk release of pollutants due to project inundation?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	I.	II.	III.	IV.
e) Conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**HYDROLOGY AND WATER QUALITY – Explanation for Significance**

- a) The project will not violate any water quality standards or waste discharge requirements or otherwise substantially degrade surface or groundwater quality. The project will not involve any construction, land alteration, water use, or water discharge.
- b) The project will not substantially decrease groundwater supplies or interfere substantially with groundwater recharge such that the project may impede sustainable groundwater management of the basin. The project will not involve any construction, land alteration, or groundwater use.
- c i) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in substantial erosion or siltation on- or off-site because the project will not involve any construction or land alteration.
- c ii) The project will not substantially alter the existing drainage pattern of the site or area including through the alteration of the course of a stream or river or through the addition of impervious surfaces in a manner which would result in flooding on- or off-site because the project will not involve any construction or land alteration.
- c iii) The project will not create or contribute runoff water that would exceed the capacity of existing or planned storm-water drainage systems, or provide substantial additional sources of polluted runoff because the project will not involve any construction or land alteration.
- d) In flood hazard, tsunami, or seiche zones, the project would not risk release of pollutants due to project inundation because the project would not involve any construction or land alteration.
- e) The project would not conflict with or obstruct implementation of a water quality control plan or sustainable groundwater management plan. The project will not involve any construction, land alteration, or groundwater use.

**XI. LAND USE AND PLANNING.**

Would the project:

	I.	II.	III.	IV.
a) Physically divide an established community?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	I.	II.	III.	IV.
b) Cause a significant environmental impact due to a conflict any land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**LAND USE AND PLANNING – Explanation for Significance**

- a) The project will not physically divide an established community. The project will not involve any construction, land alteration, or land use changes.
- b) The project does not conflict with any applicable land use plan, policy, or regulation adopted for the purpose of avoiding or mitigating an environmental effect. The project will not involve any construction, land alteration, or land use changes.

**XII. MINERAL RESOURCES.**

Would the project

	I.	II.	III.	IV.
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**MINERAL RESOURCES – Explanation for Significance**

- a) The project will not result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state. Such an impact will not occur because the project will no excavation or construction will take place.
- b) The project will not result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan. Such an impact will not occur because no excavation or construction will take place.

**XIII. NOISE.**

Would the project result in:

	I.	II.	III.	IV.
a) Generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Generation of excessive groundborne vibration or groundborne noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) For a project located within the vicinity of a private airstrip or an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**NOISE – Explanation for Significance**

- a) The project will not result in generation of a substantial temporary or permanent increase in ambient noise levels in the vicinity of the project in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies. The regulation changes will provide additional angling opportunity, but most waters are not close to residential areas and will not generate noise levels in excess of agency standards.
- b) The project will not result in generation of excessive ground-borne vibration or ground-borne noise levels, because no construction or earthmoving activities are involved.
- c) The project will not be located within the vicinity of a private airstrip or an airport use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport.

**XIV. POPULATION AND HOUSING.**

Would the project:

	I.	II.	III.	IV.
a) Induce substantial unplanned population growth in an area, either directly (for example, by proposing new homes and businesses) or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

	I.	II.	III.	IV.
indirectly (for example, through extension of roads or other infrastructure)?				
b) Displace substantial numbers of existing people or housing, necessitating the construction of replacement housing elsewhere?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**POPULATION AND HOUSING – Explanation for Significance**

- a) The project will not induce substantial unplanned population growth in an area, either directly or indirectly. Such an impact will not occur because the project will not construct any new homes, businesses, roads, or other human infrastructure.
- b) The project will not displace any existing people or housing and will not necessitate the construction of replacement housing elsewhere.

**XV. PUBLIC SERVICES.**

Would the project:

	I.	II.	III.	IV.
a) Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Fire protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Police protection?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Parks?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Other public facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**PUBLIC SERVICES – Explanation for Significance**

- a) The project will not have any significant environmental impacts associated with new or physically altered governmental facilities. The project will not involve any construction, land alteration, or land use changes.

**XVI. RECREATION.**

Would the project:

	I.	II.	III.	IV.
a) Would the project increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated?	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**RECREATION – Explanation for Significance**

- a) The project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated.

Changes to District and Special Trout Fishing Regulations

The project proposes to liberalize sport fishing regulations on many inland trout waters currently regulated under the District General Regulations, Title 14, Section 7.00, and under the Special Fishing Regulations, Title 14, Section 7.50. This includes extending the fishing seasons on many streams currently regulated under the District General Regulations and on approximately 50 streams and 20 lakes regulated under the Special Fishing Regulations. Most of these waters close to fishing on November 15 to protect fall and spring spawning trout. To provide an opportunity for fishing in the winter, the project proposes to extend the fishing seasons on these waters through February or April, with only catch and release fishing allowed on most waters to protect spawning fish. In addition, the project proposes to open five special regulation waters that are currently closed to fishing.

The project will likely result in additional fishing trips to those waters with new or extended fishing seasons. However, the number of fishing trips is expected to be low because: (1) most of the waters are located in sparsely populated areas of the state, (2) many waters

are in remote areas, some of which are not easily accessible, if at all, in the winter, and (3) trout anglers are less likely to fish during the winter because cold weather and marginal water temperatures make catching trout difficult. While some anglers will take advantage of the new fishing opportunities, existing facilities such as boat ramps and parking lots utilized by anglers are designed for such use and no deterioration would occur or be accelerated. Additionally, the project will not require any new facilities or repurposing of existing facilities.

#### Changes to Bass Fishing Regulations

The project proposes to amend the bass regulations on lakes and reservoirs in Lassen, Modoc, and Shasta counties, and on Diamond Valley, Silverwood, Skinner, Trinity, and Trout lakes. Currently, lakes and reservoirs in Lassen, Modoc, and Shasta counties are open to fishing year-round, with a five fish bag limit and no size limit for bass. Diamond Valley, Silverwood, and Skinner lakes are also open to fishing year-round with a five fish bag limit, but with a 15-inch minimum size limit. Trinity Lake is open to fishing year-round with a five fish bag limit from June 1 through the last day in February and a two fish bag limit from March 1 through May 31. Trout Lake is open only weekends and Wednesdays from the last Saturday in April through September 30, with a 22-inch minimum size limit, and one fish bag limit. These waters will be removed from the bass special regulations and will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. Except for Trinity Lake and Trout Lake, the fishing seasons and bag limits on these waters will not change. As a result, the project is not expected to result in additional angler/visitor trips to these waters. The project would increase the bag limit on Trinity Lake from two fish to five fish from March through May. As a result, the number of angler trips to the lake could increase during this time. However, because the culture within the bass fishing community is predominantly catch and release, the number of additional anglers/visitors to the lake is expected to be low. Also, while the regulations on Trout Lake will be changed to the Statewide Regulation for trout, the Department's Lands Division manages access to the lake. As a result, the project is not expected to result in a significant increase in the number of anglers/visitors to these waters. Therefore, the project would not have a significant impact on recreation.

#### Changes to Brook Trout Fishing Regulations

The project proposes to add a new Statewide Regulation for Brook Trout which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. This will expand the current Brook Trout bonus bag limit from waters under the North Coast and Sierra District General Regulations to all inland trout waters under the new Statewide Regulations. Although most Brook Trout fisheries occur in the North Coast and Sierra districts, these wilderness fisheries also occur in other areas of the state, but are hard to access for most anglers. Because of the remoteness of the Brook Trout fisheries, the proposed regulation change is not expected to result in an increase in anglers/visitors to these waters. Moreover, Brook Trout waters are located primarily in the backcountry where there are no recreational facilities. Therefore, the proposed changes to the Brook Trout regulations will not require any new facilities or the repurposing of existing facilities.

- b) The project does not require construction or expansion of recreational facilities.

**XVII. TRANSPORTATION.**

Would the project:

	I.	II.	III.	IV.
a) Conflict with a plan, ordinance or policy addressing the circulation system, including transit, roadway, bicycle and pedestrian facilities?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Would the project conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Substantially increase hazards due to a geometric design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Result in inadequate emergency access?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**TRANSPORTATION – Explanation for Significance**

- a) The project will not conflict with a program, plan, ordinance, or policy addressing the circulation system, including transit, roadway, bicycle, and pedestrian facilities. The project involves no land use or transportation system modifications.
- b) The project will not conflict or be inconsistent with CEQA Guidelines section 15064.3 subdivision (b), which pertains to vehicle miles traveled.

Changers to District and Special Trout Fishing Regulations

The project proposes to liberalize sport fishing regulations on many inland trout waters currently regulated under the District General Regulations, Title 14, Section 7.00, and under the Special Fishing Regulations, Title 14, Section 7.50. This includes extending the fishing seasons on many streams currently regulated under the District General Regulations and on approximately 50 streams and 20 lakes regulated under the Special Fishing Regulations. Most of these waters close to fishing on November 15 to protect fall and spring spawning trout. To provide an opportunity for fishing in the winter, the project proposes to extend the fishing seasons on these waters through February or April, with only catch and release fishing allowed on most waters to protect spawning fish. In addition, the project proposes to open five special regulation waters that are currently closed to fishing.

The project will likely result in additional fishing trips to those waters with new or extended fishing seasons. However, the number of additional fishing trips during winter is expected to be low because: (1) most of the waters are located in sparsely populated areas of the state,

(2) many waters are in remote areas, some of which are not easily accessible, if at all, in the winter, and (3) trout anglers are less likely to fish during the winter because cold weather and marginal water temperatures make catching trout difficult. While some anglers will take advantage of the new opportunity for winter fishing, the amount of vehicle miles traveled by recreational anglers should not change substantially under the proposed regulations.

#### Changes to Bass Fishing Regulations

The project proposes to amend the bass regulations on lakes and reservoirs in Lassen, Modoc, and Shasta counties, and on Diamond Valley, Silverwood, Skinner, Trinity, and Trout lakes. Currently, lakes and reservoirs in Lassen, Modoc, and Shasta counties are open to fishing year-round, with a five fish bag limit and no size limit for bass. Diamond Valley, Silverwood, and Skinner lakes are also open to fishing year-round with a five fish bag limit, but with a 15-inch minimum size limit. Trinity Lake is open to fishing year-round with a five fish bag limit from June 1 through the last day in February and a two fish bag limit from March 1 through May 31. Trout Lake is open only weekends and Wednesdays from the last Saturday in April through September 30, with a 22-inch minimum size limit, and one fish bag limit. These waters will be removed from the bass special regulations and will revert to the statewide standard of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. Except on Trinity and Trout lakes, the current fishing seasons and bag limits on these waters will not change. As a result, the number of fishing trips to these waters is not expected to increase. The proposed bag limit increase on Trinity Lake from two fish to five fish from March through May is also not expected to result in more fishing trips as the culture within the bass fishing community is predominantly catch and release. While the regulations on Trout Lake will be changed to the Statewide Regulation for trout, the Department's Lands Division manages access to lake including via a Lands Pass or other requirement pursuant to regulations for Wildlife Areas. Consequently, the proposed changes to the bass regulations are not expected to result in a substantial increase in the number of fishing trips to these waters. Therefore, the amount of vehicle miles traveled by recreational anglers should not change substantially under the proposed regulations.

#### Changes to Brook Trout Fishing Regulations

The project proposes to add a new Statewide Regulation for Brook Trout which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. This will expand the current Brook Trout bonus bag limit from waters under the North Coast and Sierra District General Regulations to all inland trout waters under the new Statewide Regulations. Although most Brook Trout fisheries occur in the North Coast and Sierra districts, these wilderness fisheries also occur in other areas of the state, but are hard to access for most anglers. Because of the remoteness of the Brook Trout fisheries, this change is not expected to result in an increase in the number of fishing trips to these waters. Thus, the amount of vehicle miles traveled by recreational anglers should not change substantially under the proposed regulations.

- c) The project will not increase hazards due to a geometric design feature or incompatible uses with equipment. There will be no land use or transportation system modifications.

- d) The project will not result in inadequate emergency access. The project involves no land use or transportation system modifications.

**XVIII. TRIBAL CULTURAL RESOURCES.**

Would the project:

	I.	II.	III.	IV.
a) Would the project cause a substantial adverse change in the significance of a tribal cultural resource, defined in Public Resources Code section 21074 as either a site, feature, place, cultural landscape that is geologically defined in terms of the size and scope of the landscape, sacred place, or object with cultural value to a California Native American tribe, and that is:	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
i) Listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k), or	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
ii) A resource determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. In applying the criteria set forth in subdivision (c) of Public Resources Code section 5024.1, the lead agency shall consider the significance of the resource to a California Native American tribe.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**TRIBAL CULTURAL RESOURCES – Explanation for Significance**

- a) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is listed or eligible for listing in the California Register of Historical Resources, or in a local register of historical resources as defined in Public Resources Code section 5020.1(k). There is no ground disturbing work and thus no potential to affect tribal cultural resources.
- b) The project will not cause a substantial adverse change in the significance of a tribal cultural resource that is determined by the lead agency, in its discretion and supported by substantial evidence, to be significant pursuant to criteria set forth in subdivision (c) of Public Resources Code section 5024.1. There is no ground disturbing work for this project. While various Tribes consider certain fish species to be tribal cultural resources, the impacts to fish species addressed in this regulation are expected to be less than significant

as discussed above. Thus, the project would not have a significant impact on tribal cultural resources.

**XIX. UTILITIES AND SERVICE SYSTEMS.**

Would the project:

	I.	II.	III.	IV.
a) Require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunications facilities, the construction or relocation of which could cause significant environmental effects?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Have sufficient water supplies available to serve the project and reasonable foreseeable future development during normal, dry, and multiple dry years?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Generate solid waste in excess of State or local standards, or in excess of the capacity of local infrastructure, or otherwise impair the attainment of solid waste reduction goals?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
e) Comply with federal, state, and local management and reduction statutes and regulations related to solid waste?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**UTILITIES AND SERVICE SYSTEMS – Explanation for Significance**

- a) The project will not require or result in the relocation or construction of new or expanded water, wastewater treatment or storm water drainage, electric power, natural gas, or telecommunication facilities. There will be no construction or land alteration.
- b) The project requires no new water supplies.
- c) The project will not produce wastewater.
- d) The project will not generate solid waste. Thus, the project will be in compliance with State and local standards for solid waste.

- e) The project will not create solid waste. Thus, the project will be in compliance with federal, state, and local management and reduction statutes and regulations related to solid waste.

**XX. WILDFIRE.**

If located in or near state responsibility areas or lands classified as very high fire hazard severity zones, would the project:

	I.	II.	III.	IV.
a) Substantially impair an adopted emergency response plan or emergency evacuation plan?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Due to slope, prevailing winds, and other factors, exacerbate wildfire risks, and thereby expose project occupants to, pollutant concentrations from a wildfire or the uncontrolled spread of a wildfire?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Require the installation or maintenance of associated infrastructure (such as roads, fuel, breaks, emergency water sources, power lines or other utilities) that may exacerbate fire risk or that may result in temporary or ongoing impacts to the environment.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
d) Expose people or structures to significant risks, including downslope or downstream flooding or landslides, as a result of runoff, post-fire slope instability, or drainage changes?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**WILDFIRE – Explanation for Significance**

- a) The project will not substantially impair an adopted emergency response plan or emergency evacuation plan because it will not regularly or substantially add to the number of anglers or vehicles in an area with such a plan and does not involve any construction or earth moving activity.
- b) The project will not exacerbate wildfire risks due to slope, prevailing winds, and other factors.
- c) The regulation changes that comprise the project do not involve the installation or maintenance of any infrastructure.
- d) The regulations changes that comprise the project will not result in runoff, post-fire slope instability, or drainage changes.

20-00044

**XXI. MANDATORY FINDINGS OF SIGNIFICANCE.**

	I.	II.	III.	IV.
a) Does the project have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Significance Codes:

- I. Potentially Significant Impact
- II. Less than Significant Impact with Mitigation Incorporated
- III. Less than Significant Impact
- IV. No Impact

**MANDATORY FINDINGS OF SIGNIFICANCE – Explanation for Significance**

- a) The project does not have the potential to substantially degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, substantially reduce the number or restrict the range of a rare or endangered plant or animal, or eliminate important examples of the major periods of California history or prehistory. The project is consistent with the Department's mission to manage California's diverse fisheries resources for their ecological value and for their use and enjoyment by the public.
- b) The project will not have adverse impacts that are individually limited, but cumulatively considerable. Cumulative adverse impacts will not occur because there are no potential adverse impacts due to project implementation.
- c) The project will not have environmental effects that will cause substantial adverse effects on humans, either directly or indirectly. The project will not involve any construction, land alteration, or the creation of new infrastructure.



- Separate regulations for inland trout (i.e., non-anadromous waters) from those for steelhead and salmon (i.e., anadromous waters), a process that facilitates the production of separate regulations booklets to help provide clarity to anglers;
- Replace the District Regulations (Section 7.00) with statewide regulations separated for trout; and
- Standardize and consolidate the Special Fishing Regulations (Section 7.50).

The proposed changes aim to increase regulatory consistency statewide, reduce complexity of the inland sport fishing regulations, and remove regulations that are no longer biologically justifiable.

#### **A. Regulatory Elements**

Regulations are important because they:

- (1) Protect sport fish from overharvest, including species that are designated as threatened, endangered, or species of special concern;
- (2) Enhance trophy or quality trout fishing as part of the Department's Wild Trout or Catch and Release Program; and
- (3) Provide for equitable distribution of the catchable-sized trout that comprise the Department's put-and-take program.

Normally, no single element of a regulation controls a sport fishery. For example, most trout streams in California have both a closed season and bag limit. The type of gear, legal fishing hours, and use of bait are also part of the regulatory equation. Most often, combinations of elements of regulations apply to a given water. The following is a description of each element of regulation used to manage trout populations in California.

##### **1) Seasons (Specified Opened or Closed Seasons)**

The "general trout season" runs all year for lakes and reservoirs, and from the last Saturday in April through November 15 for most streams and rivers. Trout stream closures are normally applied to maintain an adequate breeding population. Streams are commonly closed during the trout reproductive seasons of either fall or spring to protect spawning fish, at a time when the population is especially vulnerable to harvest. However, there are exceptions based on the location of the water, species, and life history. The closure through the spring (in some waters, through the end of April, in other waters, through the end of May) tends to protect Rainbow, Golden and Cutthroat Trout, whereas the fall closures protect Kokanee Salmon, Brown, and Brook Trout. Since trout spawn over a period of several weeks which extends into the open season, the late spawning fish are generally not protected from the sport fishing closures. Spring spawning trout normally spawn from March through May, but some high elevation Golden Trout populations may spawn as late as July. Snow and ice cover protect many late spawning trout in high elevation streams. Fall-spawning trout may spawn from October through December. Thus, the stream trout seasons that start on the last Saturday in April through either October 31 or November 15 protect some, but not all spawners.

## **2) Bag and Possession Limits**

The key purpose for restricting the number of trout an angler can take ("bag limit") and possess ("possession limit") is to prevent a given fish population from becoming overharvested. That is, the population is so reduced in density by fishing that remaining fish are too small to be desirable, or so few that fishing success declines to unacceptable levels. Bag limits are also deemed necessary to help spread the catch among anglers. This is the principal reason for the current five fish or less daily bag limit for most trout.

On a water with a 10 trout possession limit and five trout bag limit, an angler may take up to five trout on the first day of fishing, and five trout on the second day to comprise the 10 fish possession limit. Except for areas where a Brook Trout bonus bag limit is allowed, it is unlawful for an individual angler to take more than five trout on any single day or have more than 10 trout in possession on such a water. Thus, in this example, an angler with 10 fish in possession cannot fish on the third day unless one or more of the 10 fish have been consumed or given away.

## **3) Size Limits**

Minimum size limits have been imposed on a growing number of trout lakes and streams in California. These are invariably combined with reduced bag limits and the requirement that only artificial lures and/or flies with barbless hooks may be used. In almost all instances, such waters are officially designated Wild Trout or catch and release waters. The basic purpose is to provide more trophy trout for the sport anglers.

## **4) Gear and Bait Restrictions**

Gear and bait restrictions are applied to waters with listed or sensitive trout populations. Fish caught using bait have the highest rate of mortality. Bait-caught fish tend to be more deeply hooked, which makes release more difficult, and increases the risk of injury to vital organs. Therefore, bait is generally permitted for use only on waters with minimal restrictions on harvest. Waters with sensitive trout populations require conservative gear restrictions to reduce angling impacts. Reducing fish mortality requires the safe release of captured trout. Trout caught using artificial lures can be released with a greater chance of survival than fish caught on bait of some kind. Barbless hooks tend to minimize potential injury to the fish and makes their release easier. Artificial lures or flies with barbless hooks are normally required in catch and release waters to reduce injuries to fish and make it easier to release fish. With rare exception, artificial lures or flies are required wherever size limits are in force.

## **B. Comprehensive Evaluation: Trout Menu**

In 2013, the Department initiated a comprehensive evaluation of the inland sport fishing regulations to address concerns from anglers regarding years of complex regulations. For example, currently there are 212 inland special regulation waters in Section 7.50(b), including 88 different seasons, 13 different size restrictions, 10 different gear restrictions, and 6 different bag and possession limits, for both anadromous and non-anadromous waters. Furthermore, many waters have not been monitored for regulation effectiveness, and changes in hatchery stocking and angling practices warrant an updated evaluation of the sport fishing regulations.

The Department has been working to develop a framework to simplify sport fishing regulations guided by five goals, or tenets:

1. Maintain or increase angling opportunity;
2. Improve regulatory consistency across similar waters;
3. Align sport fishing regulations with the Department's current fisheries management goals and objectives;
4. Reduce complexity and confusion; and
5. Protect the fishery resources.

After significant review of Special Fishing Regulations in Title 14, subsection 7.50(b), it became apparent much of the complexity and associated public frustration stemmed from the diversity of different regulations established over decades that had limited alignment or consistency. The use of District Fishing Regulations in Title 14, Section 7.00 increases confusion and inconsistency by applying political boundaries in contrast to the watershed approach found within the Special Fishing Regulations. Although some of the regulations fit with apparent management objectives, others did not, or were no longer appropriate for current fisheries.

As part of this effort, the Department developed a suite of regulations, or "menu," comprised of angling seasons, bag and possession limits, size limits, and gear restrictions, to standardize the Special Fishing Regulations in Title 14, subsection 7.50(b) and uncouple the inland trout waters from the District General Regulations in Title 14, subsections 7.00(a)-(g) and from anadromous waters. This menu represents the foundation of this rulemaking. At its February 2019 meeting, the Commission endorsed the menu concept for simplifying and organizing the inland trout regulations and allowed the Department to select from a standardized suite of established management approaches. As the menu evolved between 2019 and 2020, Department state, regional and local staff have worked with stakeholders to assess and select the most appropriate regulations for inland trout waters statewide as outlined in the following pages.

The regulations menu described below is the result of a collaborative effort by partners and fisheries biologists throughout the state to standardize the Special Fishing Regulations based on fisheries management goals, which include maximizing fishing opportunity (most liberal) and protecting sensitive fishery populations (most conservative). The process for developing the menu started with identifying the statewide regulations for trout, evaluating the frequency of the most used special regulations, identifying which regulations continue to be biologically and locally relevant, and which are no longer relevant, and then consolidating the relevant regulations into the menu suite of biologically justifiable regulations that most effectively manage California's trout populations. To help achieve statewide consistency across inland trout waters within the Special Fishing Regulations, the District General Regulations in Title 14 Section 7.00 have been replaced by a Statewide Regulation for all inland trout waters under the proposed amended Section 5.85.

### **1) Trout Menu Coding**

The trout menu primarily applies to amended sections 5.85, 7.00 and 7.50, and added Section 7.40. The menu described below is divided into three categories of a standardized suite of

management approaches reflected as regulatory elements for the 200+ special inland waters in California:

- An updated Statewide Regulation;
- Seasons; and
- Bag/ Possession Limits (plus gear restrictions and size limits).

### **Statewide Regulations**

“SL” for Lakes and Reservoirs (proposed in amended subsection 5.85(a)(1)):

Open all year, five trout daily bag limit, 10 trout in possession.

- Slow-moving waters subject to this statewide regulation represent robust, self-sustaining, and stocked fisheries with a maximum sustainable harvest with emphasis on high natural yield and/or elevated stocking rates.

“SR” for Rivers and Streams (proposed in amended subsection 5.85(a)(2)):

From the last Saturday in April through November 15, five trout daily bag limit, 10 trout in possession; and, from November 16 through the Friday preceding the last Saturday in April, 0 trout bag limit, artificial lures with barbless hooks only and trout must be released unharmed and not removed from the water.

- Fast-moving waters subject to this statewide regulation align with the traditional trout season, previous district regulations, and Commission Policy<sup>1</sup>, for both wild and stocked fisheries with a goal of sustainable harvest, while allowing catch and release during the fall and early spring in an effort to increase angling opportunities, while also reducing population level effects stemming from over-harvest and/or associated hooking mortality.

### **Seasons**

Seasons are described as follows, and designated by capital letters A-J (under “Menu Option” column shown in the amended subsection 7.50(b) table):

- A. All year** = Most liberal and focused on maximizing angling opportunities.
- B. Last Saturday in April through November 15** = Spring and summer angling season for both stocked and wild trout. Alignment with traditional trout season and Commission Policy for trout opener. Limited protections for spring and fall spawning trout.
- C. November 16 through the Friday preceding the last Saturday in April** = For use in conjunction with a spring and summer angling season (**B**) to implement more restrictive bag limits and gear restrictions during spring and fall spawning.
- D. Last Saturday in April through July 31** = Alignment with a “traditional” trout opener (**A**) to support local communities for seasonal economic and fiscal needs (i.e., spring and summer tourism), and public safety concerns.

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<sup>1</sup> Fish and Game Commission Policy, Amended January 4, 1994. Trout. Available from: <https://fgc.ca.gov/About/Policies/Fisheries#Trout>

- E. August 1 through November 15 = Summer and fall angling season to allow for limited/selected harvest or closures to protect spawning runs, thermal refuges, or periods of elevated water temperatures.
- F. Saturday preceding Memorial Day through September 30 = Summer angling season where both spring and fall spawning trout aggregations occur.
- G. Saturday preceding Memorial Day through the last day in February = Spring fishing closure to protect spring spawning trout.
- H. September 1 through November 30 = Fall angling season to either protect fall spawning trout aggregations or allow angling during the fall when summer temperatures make angling impacts more significant.
- I. October 1 through the Friday preceding Memorial Day = For use in conjunction with a summer angling season (F) to implement more restrictive bag limits and gear restrictions during spring and fall spawning.
- J. Closed to fishing all year = Most conservative and used to protect populations that are listed species under the state or federal Endangered Species Act or imperiled populations upon which angling could have a significant negative effect.

***Bag and Possession Limits and Gear Restrictions***

Bag and Possession Limits and Gear Restrictions are described as follows, and designated by numbers 1-7 (under "Menu Option" column shown in the amended subsection 7.50(b) table):

- 1. 5 trout, no gear restrictions = (most liberal) Robust, self-sustaining fisheries with low to moderate angling, or stocked fisheries with maximum sustainable harvest.
- 2. 2 trout per day, 4 trout in possession, no gear restrictions = Limited daily harvest but with additional possession, set for limited effect to hatchery supplemented or productive self-sustaining fisheries to allow some harvest. Moderate concern regarding harvest with minimal threat to total population.
- 3. 2 trout, artificial lures = Limited daily harvest without additional possession, set for limited effect to less productive self-sustaining fisheries to allow some harvest. Moderate concern regarding harvest with minimal threat to total population.
- 4. 2 trout with 14" total length minimum, artificial lures = Limited selected harvest with protection for smaller age classes. Allows most individuals to spawn prior to entering the fishery.
- 5. 2 trout with 18" total length minimum, artificial lures = Limited selected harvest with protection for smaller age classes in high productivity systems that can produce large trout. Allows individuals to spawn prior to trophy sized harvest.
- 6. 0 trout, artificial lures with barbless hooks = Reduce angling impacts to listed or sensitive populations, mitigate high use areas, seasonally eliminate harvest of spawning fish, or to achieve fast action or trophy fisheries.
- 7. 0 trout, artificial flies with barbless hooks = (most conservative) Reduce angling impacts to listed or sensitive populations, mitigate high use areas, seasonally eliminate harvest of

spawning trout, achieve fast action or trophy fisheries, and/or promote/retain unique angling experiences.

## 2) Trout Menu Codes Applied

For the proposed Section 7.50 regulatory language “Alphabetical List of Trout Waters with Special Fishing Regulations,” in the table encompassing subsection 7.50(b), a right-hand column has been added called “Menu Option” to serve as an easy reference to the assigned management approach of each special regulation water. This column is only shown for the purpose of clarity for the ISOR to indicate any changes affecting a water. The options are either assignment to one of the two statewide regulations (SL, or SR), a combination from the trout menu of season, bag/possession and gear limitations for each state water, or coding showing the water has been moved to another section or deleted. The coding is also shown by special water in the Decision Matrix, Summary Table of Changes for the subsection 7.50(b) regulatory table (**Appendix A**).

Combined options for season (letter) and bag/possession limit and gear limitation (number) present as a capital letter-number code. For example, “B5” would signify a water with a season from the last Saturday in April through November 15, a bag/possession limit of 2 trout with 18” minimum size, and a gear restriction of artificial lures.

Two other codes in the right-hand column in the subsection 7.50(b) table inform anglers of how that particular water is considered, if it doesn’t fall under one of the above codes.

“**HSS**” Refers to waters moved to the newly added Section 7.40 of Title 14 under the anadromous table for salmon and steelhead, proposed for naming as “Alphabetical List of Hatchery Steelhead and Salmon Waters with Special Fishing Regulations.” Those waters with HSS coding are shown as strikeout in Section 7.50 because they are proposed for relocation to Section 7.40.

“**Del##**” Refers to a special water or regulation that is proposed for removal entirely from the Section 7.50(b) special regulations table, and justification for the removal is outlined by numerical increment below under the description for amendment of Section 7.50.

## C. Presentation of The Proposed Regulations

The proposed regulatory revisions by section fall under three general categories, and are described in this ISOR in the following order:

1. Proposed for Amendment
  - a. Sections 5.00, 5.41, 5.85, 7.00, 7.50 (with expanded discussion on application of the trout menu), and 8.10
2. Proposed for Addition
  - a. Sections 5.84, 5.89, and 7.40
3. Proposed Changes Without Regulatory Effect (e.g., re-numbering, re-ordering, or relocating a regulatory provision)
  - a. Sections 3.00 and 4.00

## D. Proposed for Amendment

### Amend subsection 5.00(b) Black Bass, Special Regulations

- Remove subsections (b)(3) Lassen County; (b)(4) Modoc County; (b)(7) Shasta County; (b)(9) Big Lake (Shasta County); (b)(13) Diamond Valley Lake; (b)(15) El Capitan Reservoir; (b)(22) Perris Lake; (b)(25) Silverwood Lake; (b)(26) Skinner Lake; and (b)(28) Trinity Lake.

The Department is proposing to remove these subsections from the bass special regulations. Therefore, these waters will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. Specifically, two changes of non-regulatory effect include removal of (b)(15) El Capitan Reservoir, and (b)(22) Perris Lake as listed in the table, due to existing redundancy with the statewide standard because the season (all year), size (12-inch minimum), and bag limit already matches that of the statewide standard. It is necessary to remove the remaining subsections from the bass special regulations because there is no longer a biological reason to support a special regulation on these waters, so these waters will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. This will allow anglers to harvest bass of a size relatively safer to consume given the advisories for consumption set forth through the Office of Environmental Health Hazard Assessment (OEHHA) and Water Quality Control Boards due to bioaccumulation of mercury and other concerning substances. The predominant catch and release culture in the bass fishing community also makes increased protection afforded by reduced bag limits and increased size limits unnecessary and moot.

- Remove Subsection (b)(29) Trout Lake

The Department is proposing to amend the exiting bass fishing season on Trout Lake to align with the proposed new trout fishing season under the Statewide Regulation "SL" as listed in subsection 7.50(b)(195.5) for Trout Lake. Under existing regulations, the fishing season for trout and bass is limited to Wednesdays and weekends from the last Saturday in April through September 30. This season is in place to restrict fishing in the Shasta Valley Wildlife Area during the waterfowl hunting season. There is no longer a biological reason for restricting the fishing season on this lake. In addition, the Department no longer manages Trout Lake as a trophy bass fishery, thus the current 22-inch minimum size limit and one fish bag limit is no longer necessary. Therefore, the Department is proposing to remove Trout Lake from the Special Black Bass fishing regulations. The Department's Lands division would be responsible for restricting access to Trout Lake, and any special closures will be addressed in the Wildlife Area regulations. This change will align the fishing seasons for bass and trout on the lake and, thus, eliminate potential law enforcement issues. With the removal of Trout Lake from 5.00(b), the regulation for bass fishing on that lake will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit.

- Amend subsections (b)(2) for waters in Inyo County, and (b)(5) and (b)(16) for waters in Mono County.

The Department is amending subsections (b)(2) and (b)(5) for waters in Inyo County to include reference to Inyo County streams and rivers in the Special Fishing Regulations in subsection 7.50(b). Subsection (b)(2) and (b)(5) amendments also clarify the closure to black bass fishing from November 16 to the Friday preceding the last Saturday in April to ensure anglers understand the open season is late April through November 15. Subsection (b)(16) similarly includes reference to Mono County streams and rivers in the Special Fishing Regulations in subsection 7.50(b), while correcting a reference for Fish Slough to the boundaries from Owens Valley Native Fishes Sanctuaries to the BLM Spring. These changes are necessary to ensure anglers are clear on season dates, geographic boundaries, and other considerations for Inyo and Mono counties.

- Re-numbering of the waters in 5.00(b)

The resulting proposed list of special black bass waters is re-numbered by paragraph for clarity and consistency.

#### **Amend Section 5.41. Landlocked Salmon.**

Subsection (e) is amended so that the same exceptions formerly referenced in subsection 7.50(b) are specifically listed within this subsection with a daily bag limit of ten salmon, and possession limit of twenty. It is necessary to make this change since the regulation of landlocked salmon is no longer indicated in subsection 7.50(b).

#### **Amend Section 5.85. Trout.**

The name of this section is changed to reflect that only trout (and not salmon) are covered under this general regulation. Additional introductory language is added to clarify how the bag and possession limits should be interpreted, for the total number of trout in combination.

- Under subsection (a)(1), the Department is proposing to remove all "non-special" trout fishing regulations for inland lakes and reservoirs from Section 7.00 District General Regulations and move them to Section 5.85, Trout. This addition of subsection (a)(1) to Section 5.85 provides the new proposed statewide regulation for slow-moving waters, or inland lakes, reservoirs, and ponds, as described in the trout menu and noted by the coding "SL." These Statewide Regulation waters will be open to fishing year-round, with a five trout daily bag limit, a 10 trout possession limit, no size limit, and no gear restrictions. This Statewide Regulation is intended to be applied to those waters that have self-sustaining and/or stocked fisheries where the maximum catch can be harvested sustainably, based on high natural yield and/or elevated stocking rates. Therefore, the most liberal angling regulations can be applied to these waters.
- Under subsection (a)(2), the Department is proposing to remove all trout fishing regulations for inland rivers and streams from the Section 7.00 District General Regulations and move them to Section 5.85, Trout. This addition of subsection (a)(2) to Section 5.85 provides the new proposed statewide regulation for fast-moving waters, or rivers, streams, creeks, and

canals as described in the trout menu and noted by the coding "SR." Under the new Statewide Regulation, these waters will be open to fishing from the last Saturday in April through November 15, with a five trout daily bag limit, and a 10 trout possession limit; and, from November 16 through the Friday preceding the last Saturday in April, with a zero trout bag limit, a gear restriction of artificial lures with barbless hooks only, and a requirement that trout must be released unharmed and should not be removed from the water. These waters have self-sustaining and/or stocked fisheries where the maximum catch can be harvested sustainably and, therefore, the most liberal angling regulations can be applied to these waters. The changes will increase fishing opportunities in areas where waters are closed to fishing in the winter and decrease fishing opportunities in areas where waters are currently open to fishing in the winter with allowable harvest. A detailed description of the effects is provided below.

- Subsection (a)(3) describes exceptions to the statewide regulations, and under paragraph (A) refers readers to Section 7.50, Alphabetical List of Waters with Special Fishing Regulations for individual trout waters with special regulations that would not fall under the statewide regulation. Paragraph (B) further clarifies that Brook Trout bag and possession limits may be in addition to the statewide trout bag and possession limits.

This proposal will result in either no change to the current regulations or an added possession limit for waters moved to the statewide regulation. Below is a description of changes to the district waters, Section 7.00.

Subsection (a) is necessary to inform anglers of the statewide standard season, bag, possession limit for lakes, reservoirs, and ponds, as well as streams, rivers, creeks, and canals that are not subject to a special regulation in subsection 7.50(b).

#### **Amend Section 7.00. District General Regulations**

To address anglers' concerns regarding the complexity of the 7.00 District General Regulations, the Department is proposing to uncouple the state's inland trout waters from the District General Regulations. Most trout waters currently under the District General Regulations will be moved to either the new subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs, or to subsection 5.85 (a)(2), Statewide Regulation for rivers, streams, and creeks. Some individual trout waters will require special restrictions and reduced bag limits and, therefore, will be moved to Section 7.50, Special Fishing Regulations. The amendments will result in little or no substantive change to the regulations for most waters currently under the District General Regulations. Clarifications are made to the opening paragraph prior to subsection 7.00(a) to ensure that hatchery trout and hatchery steelhead are covered under Section 7.00.

The Department proposes to remove or amend the following subsections:

- (a)(1) and (b)(3), delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing all year, with a five-trout daily bag limit, a 10 trout possession limit, no size limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(1), the new

Statewide Regulation for lakes and reservoirs. In effect, there will be no substantive change to the existing regulations for these waters.

- (a)(4), (b)(4), and (b)(7), delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers, and streams, which will extend the fishing season on these waters to year-round with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April. This proposed change will increase fishing opportunities on these waters during the winter and early spring while protecting spawning wild trout.
- (a)(5) and (b)(9), delete these subsections: The current bonus bag limit for Brook Trout under the North Coast and Sierra District subsections will move/ revert to a new Section 5.84, Statewide Regulation for Brook Trout. The new Statewide Regulation for Brook Trout will apply to all inland trout waters not listed under the Special Fishing Regulations, with the exception of Red Lake in Alpine County which is managed for trophy-sized trout by stocking effort.
- (b)(5), delete this subsection: Waters under this subsection in Shasta County are currently open to fishing from the last Saturday in April through November 15, with a two-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This proposed change will increase the current daily bag limit to five trout and add a 10 trout possession limit. In addition, the fishing season will be extended to year-round, with catch and release fishing only allowed from November 16 through the Friday preceding the last Saturday in April. This proposed change will increase fishing opportunities on these waters in the winter and early spring while protecting wild trout populations.
- (b)(6), delete this subsection: Waters under this subsection in Lassen and Modoc counties are currently open to fishing from the Saturday preceding Memorial Day through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will extend the fishing season to year-round, with catch and release fishing only allowed from November 16 through the Friday preceding the last Saturday in April. This proposed change will increase fishing opportunities on these waters in the winter and early spring while protecting wild trout populations.
- (c)(1), (d)(1), (e)(1), (f)(1), and (g)(2), delete these subsections: Waters under these subsections in the North Central District, Valley District, South Central District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), Statewide Regulation

for lakes and reservoirs. As a result, the possession limit on these waters will increase from five trout to 10 trout.

- (d)(3), (f)(3), (f)(5), and (g)(2), delete these subsections: Waters under these subsections in the Valley District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. As a result, the possession limit will increase from five trout to 10 trout from the last Saturday in April through November 15. Catch and release fishing only will be allowed from November 16 through the Friday preceding the last Saturday in April. While this proposed change will remove the opportunity to harvest trout in the winter and early spring to protect spawning wild trout, moving these subsections to the Statewide Regulations fulfills the goals of simplification and management.
- (e)(3) amend this subsection: Waters under this subsection for Alameda, Contra Costa, and Santa Clara counties are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams for trout. This will increase the possession limit to 10 trout and extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April. This proposed change will increase fishing opportunities on these waters in the winter and early spring while protecting spawning wild trout. The amendment to this subsection also clarifies that waters under these three counties are closed to the take of salmon.
- (g)(1), delete this subsection: Waters under this subsection are currently open to fishing year-round, with a 10 trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. This will reduce the daily bag limit from 10 trout to five trout from the last Saturday in April through November 15 and restrict fishing to catch and release only from November 16 through the Friday preceding the last Saturday in April. While this proposed change will remove the opportunity to harvest trout in the winter and early spring to protect spawning wild trout, moving these subsections to the Statewide Regulations fulfills the goals of simplification and management.
- (b)(8), delete this subsection: This language is no longer needed under Section 7.00(b) as all Mono County waters under the District General Regulations will be subject to the new Statewide Regulations for trout (i.e., Section 5.85(a) or Section 5.85(b)), or to Section 7.50(b), Special Fishing Regulations. This language does not need to be moved to Section 5.85 or Section 7.50 as waters under the new Statewide Regulations will be open to fishing year-round and similar language already exists under subsection 7.50(a)(3) of the Special Fishing Regulations.
- (b)(2), amend this subsection: Anadromous waters under this subsection for Tehama and Shasta counties are currently open to fishing from the last Saturday in April through

November 15, with a two-trout or steelhead daily bag and possession limit, and artificial lures with barbless hooks restriction. This subsection is amended for section and paragraph numbers, and to clarify the artificial lures possess hooks that are barbless.

- Edits for clarity and consistency: These edits include re-numbering of paragraphs within District Regulations in subsections 7.00(b) through (g), adjusted capitalization of certain words throughout Section 7.00, and specification of the referenced Section number to clarify interpretation from the previous 7.50 to the newly added 7.40 section.

### **Amend Section 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations**

It is necessary to streamline the Special Regulations for trout waters by utilizing the trout menu described above to align the regulations with the Department's current fisheries management goals and objectives. The regulations proposed herein were tailored to each individual water, and include a variety of combinations of regulation elements, such as bag limits, gear restrictions, season restrictions, and size limits. Upon review of the extensive public input received during pre-notice outreach efforts (Appendix B), Department fisheries biologists and managers, often in consultation with fishing groups or individuals, assigned waters to the trout menu based on their expertise and knowledge of specific waters in their management area.

As a result of this streamlining process, the number of:

- Special fishing seasons for trout-only waters will be reduced from 30 to 10;
- Special size limits will be reduced from 8 to 2;
- Different gear restrictions will be reduced from 10 to 7;
- Different bag/ possession limits will be reduced from 6 to 4; and
- Fishing opportunities will be expanded on nearly 50 percent of the existing special regulation waters from a reduced season to year-round.

As noted in **Appendix A**, proposed amendments and additional comments and considerations are summarized for Section 7.50(b), Alphabetical List of Waters with Special Fishing Regulations. This table includes the biological and management rationale for proposed changes to each special water, as well as other considerations such as public input, socio-economic considerations, traditional values, access, public safety, etc.

For those special waters without a special assigned management approach from the menu listed in Appendix A, the proposed regulatory text outlining the "Menu Option" in the right-hand column indicates the assigned management approach of each water (assignment to Statewide lakes/reservoirs, or "SL", statewide rivers and streams, or "SR", etc.)

### ***Truckee River Management Options, Section 7.50(b), Subsections (196)(B), (196)(C), and (196)(D)***

At the Commission's April 15, 2020 meeting, George Osborn, representing Mr. Montna, requested that the Commission consider Mr. Montna's proposal as an alternative to the Department's proposed regulations for the Truckee River, subsections (196)(B), (C), and (D). The Commission directed the Department to add a regulatory option to allow further consideration of Mr. Montna's proposal.

### Option 1 – Department Proposal

The Department is proposing to amend the current regulations on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek (subsections 7.50(b)(196)(B) and (C) are combined and re-numbered subsection 7.50(b)(153)(B)), to open all year, zero trout daily bag limit, and artificial lures with barbless hooks. This will remove the current two-trout daily bag and possession limit from the last Saturday in April through November 15. It will also change the gear restriction from artificial flies to artificial lures between Glenshire Bridge and the mouth of Prosser Creek. The Department is also proposing to amend the current regulation from the mouth of Prosser Creek downstream to the Nevada State Line (Subsection 7.50(b)(196)(D) is re-numbered subsection 7.50(b)(153)(C)) to open all year, two trout daily bag and possession limit, and artificial lures. This will increase the daily bag limit from zero trout to two trout from November 16 through the Friday preceding the last Saturday in April. This will also change the gear restriction from artificial lures with barbless hooks to artificial lures, thus removing the requirement for barbless hooks.

### Option 2 – Mr. Montna's Proposal

Mr. Montna supports the Department's proposed changes to the current regulations on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek to open all year with a zero trout daily bag limit, but requests that the Department change the proposed gear restriction from artificial lures with barbless hooks to artificial barbless flies. Mr. Montna also requests that the regulations from the mouth of Prosser Creek downstream to the Nevada State Line be changed to open all year, zero trout daily bag limit, and artificial lures with barbless hooks. This will reduce the current daily bag limit from two to zero trout from the last Saturday in April through November 15 and keep the requirement for barbless hooks in place.

### ***Summary of Changes to Special Waters (7.50 table)***

SL: Moving to statewide lakes and reservoirs regulation (subsection 5.85(a)(1)): 16

SR: Moving to statewide rivers and streams regulation (subsection 5.85(a)(2)): 28

Waters being moved from 7.00, District General Regulations, to Section 7.50, Special Fishing Regulations, as a result of the goal to provide new opportunity and for the simplification project, summarized by the new trout menu coding (asterisks indicate waters new since Feb. 2020 Commission meeting):

1. NEW 7.50(b)(15) Boulder Creek (San Diego Co.) upstream of El Capitan Reservoir, and all of its tributaries – **A3**
2. NEW 7.50(b)(24) Caples Creek from the confluence with the Silver Fork American River upstream to Caples Lake Dam (El Dorado and Alpine cos.) – **A6**
3. NEW 7.50(b)(43) Dismal Creek (Modoc Co.). – **G6**
4. NEW 7.50(b)(52) Goose Lake and tributaries (Modoc Co.) excluding Pine Creek and Davis Creek. – **G6**
5. NEW 7.50(b)(54) Gull Lake (Mono Co.). – **B1**
6. NEW 7.50(b)(72) Kitchen Creek (San Diego Co.) upstream of Lake Morena, and all its tributaries. – **A3**

7. NEW 7.50(b)(81) Los Gatos Creek (Santa Clara Co.) upstream of Camden Avenue drop including Lexington Reservoir and all tributaries. – **A6**
8. NEW 7.50(b)(107) Pine Valley Creek (San Diego Co.) upstream of Barrett Lake, and all its tributaries. – **A3**
9. NEW 7.50(b)(109)(A) Pit River, South Fork (Modoc Co.) and tributaries upstream of the Highway 395 bridge in Likely – **G1**
10. NEW 7.50(b)(109)(B) – Pit River, North Fork (Modoc Co.) and tributaries from the confluence with the South Fork in Alturas upstream to (including) Franklin Creek – **G3**
11. NEW 7.50(b)(123) – Rush Creek (Mono Co.) between Silver Lake and Grant Lake – **F1**
12. NEW 7.50(b)(129) – San Luis Rey River West Fork (San Diego Co.) – **A3**
13. NEW 7.50(b)(147) – Stevens Creek and all tributaries upstream of Stevens Creek Reservoir (Santa Clara Co.). – **A6**
14. NEW 7.50(b)(X) – Twelvemile Creek (Modoc Co.) – **G6**
15. NEW 7.50(b)(156) Twin Lakes, Upper and Lower (Bridgeport, Mono Co.). – **B1**
16. \*NEW 7.50(b)(16) Bridgeport Reservoir and tributaries (Mono Co.) – **B1**
17. \*NEW 7.50(b)(30) – Convict Lake (Mono County) – **B1**
18. \*NEW 7.50(b)(50) – George Lake (Lake George, Mono Co.) – **B1**
19. \*NEW 7.50(b)(53) – Grant Lake (Mono Co.) – **B1**
20. \*NEW 7.50(b)(54) – Gull Lake (Mono Co.) – **B1**
21. \*NEW 7.50(b)(60) – Horseshoe Lake (Mono Co.) – **B1**
22. \*NEW 7.50(b)(65) – Isabella Lake (Lake Isabella, Kern Co.) – **A1**
23. \*NEW 7.50(b)(67) – June Lake (Mono Co.) – **B1**
24. \*NEW 7.50(b)(82)- Lundy Lake (Mono County)– **B1**
25. \*NEW 7.50(b)(83) Lytle Creek and tributaries upstream of Interstate 15 bridge. (San Bernardino Co.) – **A1**
26. \*NEW 7.50(b)(85)- Mamie Lake (Lake Mamie, Mono County) – **B1**
27. \*NEW 7.50(b)(89) – Mary Lake (Lake Mary, Mono Co.) – **B1**
28. \*NEW 7.50(b)(96) Miller Canyon from Silverwood Lake upstream (San Bernardino Co.) – **A1**
29. \*NEW 7.50(b)(121) – Rock Creek Lake (Mono Co.) – **B1**
30. \*NEW 7.50(b)(124) – Sabrina Lake (Lake Sabrina, Inyo Co.) – **B1**
31. \*NEW 7.50(b)(127) Salmon Creek and tributaries above Highway 1 (Monterey Co.). – **F6**
32. \*NEW 7.50(b)(157)- Twin Lakes (Mammoth, Mono Co.) – **B1**
33. \*NEW 7.50(b)(137) – Silver Lake (Mono Co.) – **B1**
34. \*NEW 7.50(b)(144) – South Lake (Mono Co.) – **B1**
35. \*NEW 7.50(b)(161) – Virginia Lakes, Upper and Lower (Mono Co.) – **B1**

The last coding, "Del###" listed in the right-hand column in the subsection 7.50(b) table shows which waters or segments of waters are outright deleted. The "###" signifies numerically assigned waters that are listed in the table below, which also provides the justification for removal of these waters from the 7.50 table.

Table 2. List of special water removals and justification as noted under the "Menu Option" column shown in the amended subsection 7.50(b) table.

Deletion ##	Necessity for removal in Section 7.50(b)
Del01	(13) Balm of Gilead Creek is removed because it has its own standalone regulation under the newly added Eel River regulation above Lake Pillsbury
Del02	(26.5) Bridgeport Reservoir with the season of Saturday preceding Memorial Day through Sept.30 is removed because this same subparagraph was expanded for the tributaries and the proposed amended season of last Saturday in April through November 15.
Del03	(39.3) for Castle Creek regulation was consolidated into 7.50(b)(156.5) for the Sacramento River.
Del04	(43)(B) Convict Creek downstream of U.C. Study area season is removed because the former minimize trout size and split regulation of seasons is replaced with a simplified season of Saturday preceding Memorial Day through September 30.
Del05	(48)(A) through (B) Cottonwood Creek is removed because of simplification of this water through consolidation of this subparagraph with (A) into the previous paragraph.
Del06	(49.5) Cottonwood Creek and tributaries is removed because it is now covered under the "Goose Lake tributaries" special regulation.
Del07	(62.5) Edson Creek and all tributaries is removed because it is already covered under the McCloud River regulation (115)(C)
Del08	(77.3) Hilton Creek (A) downstream of Crowley Lake Drive is removed because the former minimize trout size and split regulation of seasons is replaced with a simplified season of Saturday preceding Memorial Day through September 30.
Del09	(86) Kern River, (C) the U.S. Forest Service trail is removed because of simplification of this water through consolidation of this subparagraph with (B). (C) is further replaced with a reach of Kern River downstream of Lake Isabella.
Del10	(90) Kirman (Carmen) Lake tributaries is removed because duplicative with (89) Kirman (Carmen) Lake.
Del11	(91) Klamath River, (B) Shovel Creek and tributaries above mouth of Panther Creek (C) Shovel Creek and tributaries up to and including Panther Creek are removed because of simplification of this water through consolidation of these subparagraph with (A) for all tributaries above Iron Gate Dam.
Del12	(98) Lassen Creek and tributaries is removed because it is now covered under the "Goose Lake tributaries" special regulation.
Del13	(103.5) Little Truckee River from Stampede Reservoir Dam downstream to Boca Reservoir for Nov. 15 through the Friday preceding the last Saturday in Apr. is removed because the previous paragraph changed this water to a year-round regulation.
Del14	(115) McCloud River and tributaries (B) McKay Creek and all tributaries including Sheepheaven Spring is removed because Sheepheaven Creek

	has been officially named by the USGS, and now has its own regulation under (115)(E) to provide the intended protection with a year-round closure.
Del15	(115) McCloud River and tributaries (G) McCloud River from the lower boundary of the U.S. Forest Service loop is consolidated into subsection (F) and is removed for consistency with lower McCloud regulations.
Del16	(115.3) McGee Creek (A) McGee Creek downstream from Highway 395 is removed because the former minimum trout size and split regulation of seasons is replaced with a simplified season of Saturday preceding Memorial Day through September 30.
Del17	(115.4) McKay Creek and all tributaries is removed because of the removal of (115)(B) for McKay Creek.
Del18	(125.5) Moosehead Creek and tributaries is removed because Moosehead Creek is already covered under (115)(A) for McCloud River tributaries.
Del19	(134) Owens River (C) Upper Owens River from fishing monument is removed because of simplification of this water through consolidation of this subparagraph with (B).
Del20	(138) Pillsbury Lake tributaries is removed because it is covered under Eel River regulations in subsection (63)(A)(3), which is moving to the 7.40 HSS table.
Del21	(139) Pine Creek and Pine Creek Slough is removed because it is covered under the (61)(C) Eagle Lake regulations.
Del22	(141) Pit River (D) From Pit No. 7 dam downstream to Shasta Lake is removed because of simplification of this water through consolidation of this subparagraph with (C).
Del23	(156) Sacramento River and tributaries above Keswick Dam, (D) Sacramento River and tributaries excluding Castle Creek is removed because of simplification of this water through consolidation of this subparagraph with (C).
Del24	(176.5) Sheepheaven Spring is removed because it has its own regulation under (115)(E) to provide the intended protection with a year-round closure.
Del25	(177) Shovel Creek and tributaries is removed because angler use in this water is minimal and restricted; further, this water is now covered under (91) Klamath River regulations.
Del26	(180.5) Soda Creek is removed because this water is now covered under (156)(B) Sacramento River.
Del27	(189) Stony Creek, and tributaries, (A) From the headwaters downstream to the diversion dam west of Stonyford, and (B) Stony Creek Middle Fork from Red Bridge upstream are removed because of simplification of this water through consolidation of this subparagraph with paragraph (A) into (189) for Stony Creek.
Del28	(189.8) Swamp Creek and all tributaries is removed because it is covered under (115)(D).
Del29	(191) Sworinger Lake tributaries is removed because it is essentially a duplicate of subsection 177.5.
Del30	(196) Truckee River (C) Truckee River from the Glenshire Bridge downstream to the mouth of Prosser Creek is removed because of simplification of this water through consolidation of this subparagraph with paragraph (C) into (B).

Del31	(198) Tuolumne River (A) From O'Shaughnessy Dam (Hetch Hetchy Reservoir) downstream to Early Intake Dam is removed because of simplification of this water through consolidation of subparagraph (A) through (C) into 198 (Tuolumne River).
Del32	(208) Willow Creek and tributaries is removed because it is now covered under the "Goose Lake tributaries" special regulation.

**Amend Section 8.10, Youth Fishing Derby, Susan River (Lassen County)**

The Youth Fishing Derby on the Susan River is held every year one week before the trout season opener, which currently is the Saturday preceding the last Saturday in April. The Department is proposing to move the season opener on Susan River from the last Saturday in April to the Saturday preceding Memorial Day. The Department will continue to hold the derby on the Saturday before the season opener and, therefore, it is necessary to change the youth fishing derby date from the Saturday preceding the last Saturday in April to the Saturday preceding the trout season opener in May. Added language refers to subsection 7.50(b)(149) for regulations on the Susan River. These clarifications are necessary to ensure anglers understand the date of the new season opener.

**E. Proposed for Addition**

**Add Section 5.84. Brook Trout.**

Currently under the North Coast and Sierra District General Regulations (subsections 7.00(a)(5) and (b)(9)) up to 10 Brook Trout less than 8 inches and 10 inches, respectively, may be harvested per day, in addition to the daily bag and possession limits for trout. This regulation will be removed from Section 7.00 under the current proposal to uncouple the trout regulations from the District General Regulations. In its place, the Department is proposing a new Statewide Regulation for Brook Trout in Section 5.84 which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. Brook Trout are a cold-water species found in high elevation lakes and streams in remote wilderness areas. Many of these wilderness fisheries contain overpopulated, undersized fish and are not attractive or targeted fisheries for anglers due to the size and poor condition of the fish (skinny). The Department initiated the Brook Trout bonus bag and possession limit to both increase fishing opportunity and reduce the numbers of fish in overpopulated lakes in hopes of increasing condition (fatter, heavier, and bigger fish). Although most Brook Trout fisheries occur in the North Coast and Sierra districts, these wilderness fisheries also occur in other areas of the state, but are hard to access for most anglers. Because of the remoteness of these fisheries and for simplification purposes, the Department is proposing to expand the Brook Trout bonus bag and possession limit to inland trout waters statewide. Exceptions to this Brook Trout bonus bag limit include all waters listed in Section 7.50, Trout Waters with Special Fishing Regulations, and Red Lake in Alpine County, which is managed as a trophy Brook Trout fishery.

### **Add Section 5.89. Salmon**

This Section will be added only to refer readers to the appropriate regulatory sections for salmon and steelhead, which are not the focus of this current rulemaking, but may be for a subsequent one (i.e., Phase II).

### **Add Section 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations**

For simplification purposes, the Department is proposing to separate the trout special fishing regulation waters (inland waters) from the salmon and steelhead special fishing regulation waters (anadromous waters). The special fishing regulations for trout will remain in Section 7.50. This requires a new regulatory section be created for the hatchery trout, hatchery steelhead and salmon special fishing regulation waters (abbreviated "HSS" per the coding outlined in the trout menu). The proposed new section is Section 7.40, "Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations." The existing language in subsections 7.50(a)(1)-(6) will be included in the new Section 7.40, but references to trout will be replaced with salmon and steelhead. All the special waters indicated by the coding "HSS" in the subsection 7.50(b) table are moved into the new 7.40 table, and aside from this move, are not proposed to be altered as part of this rulemaking. Approximately 185 individual waters, or reaches of waters, are proposed to be moved from subsection 7.50(b) to the new 7.40 table. Moving these special waters to a separate regulation section is necessary to fulfill the goals of separating and consolidating regulations for inland trout (i.e., non-anadromous waters) from steelhead and salmon (i.e., anadromous waters).

### **F. Proposed Changes Without Regulatory Effect**

Below are minor changes to clarify and correct various sport fishing regulations in Title 14.

#### **Amend Section 3.00. Fishing Hours.**

The reference in subsection (a)(1)(B) Heenan Lake, (Alpine Co.) is changed to subsection 7.50(b)(56) because of renumbering in the section.

#### **Amend Section 4.00. Bait - General.**

The reference in subsection (d) Hat Creek is changed to subsection 7.50(b)(55) because of renumbering in the section.

#### **Amend Section 5.00 Black Bass Special Regulations.**

Remove the special closure language (b)(14), Eastman Lake. This language was removed from the sport fishing regulations in 2017.

Subsection (a) title, General Statewide Restrictions, is changed to read General Statewide Regulations to be more accurate and consistent with other statewide regulations sections in Title 14.

Subsection (a)(1) is being amended to specify that the black bass 12 inch minimum size limit is to be measured in total length. This requirement is already specified in subsection 5.00(b). It is being added to Section 5.00(a)(1) to provide additional clarity.

(b) Goals and Benefits of the Regulation

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout seasons, size limits, and bag and possession limits provide for the maintenance of sufficient populations of trout to ensure their continued existence.

The benefits of the proposed regulations include up to date and streamlined trout fishing regulations that are consistent statewide, consistency with federal fishery management goals, sustainable management of California's trout fisheries, promotion of the general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout the state. The proposed changes will provide benefits by maximizing trout fishing opportunity, where possible, through the proposed extensions of fishing seasons and increases in bag and possession limits on both district and special regulations waters without adversely affecting native and non-native wild trout populations. The proposed regulatory changes may increase participation in sport fishing by new anglers, and increased retention of existing angler through simpler regulations facilitating ease of compliance and comprehension.

(c) Authority and Reference Sections from Fish and Game Code for Regulation

Authority: Section(s) 200, 205, 265, 270, 275, 315, 316.5, 399, and 2084, Fish and Game Code

Reference: Section(s) 200, 205, 265, 270, 316.5, and 2084, Fish and Game Code

(d) Specific Technology or Equipment Required by Regulatory Change

None.

(e) Identification of Reports or Documents Supporting Regulation Change

None.

(f) Public Discussions of Proposed Regulations Prior to Notice Publication

The Department held a series of public information meetings in 2018 and 2019 to inform stakeholders about the Project and solicit input and suggestions. In addition, the Department regularly provided Project updates at Commission subcommittee and full Commission meetings. See **Appendix B**, Public Outreach, for detailed information.

IV. Description of Reasonable Alternatives to Regulatory Action

(a) Alternatives to Regulation Change

The purpose for separating the inland trout waters in Title 14, Section 7.50(b), Special Fishing Regulations and anadromous waters into two tables is to make it easier for anglers to locate the body of water they intend to fish. An alternative to the proposed regulation changes is to not separate the inland trout water regulations from the anadromous (i.e., salmon and steelhead) regulations which are currently in the same table.

Alternatives on a per-water basis are outlined the Section 7.50(b) Special Fishing Regulations table in **Appendix A**. **Appendix A** shows the current open season and special regulations, bag and possession limit, the proposed regulations developed before the 2019 statewide public outreach meetings (i.e., “2019 Proposed Open Season or Daily Bag, Possession Limit, & Gear Restrictions”), and the final proposed regulations (i.e., 2020 “Proposed Regula Open Season or Daily Bag, Possession Limit, & Gear Restrictions”). Many alternatives to the 2019 proposed regulations, by special water, were considered based on public input and further evaluation of the regulations by regional Department staff biologists. As a result, some revisions to the “2019 Proposed Regulations” were made and are presented in the table under “2020 Proposed Regulations.”

In view of information currently possessed, no reasonable alternative considered would be more effective in carrying out the purpose for which the regulation is proposed, would be as effective and less burdensome to affected private persons than the proposed regulation, or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provision of law.

(b) No Change Alternative

The no change alternative would leave existing regulations in place. The current regulations for inland trout waters would remain under the District General Regulations and anglers’ concerns regarding the complexity of the trout fishing regulations would not be addressed. Anglers would continue to be frustrated with the regulations to the point that some may choose to not go fishing as a result. In addition, outdated regulations in the Special Fishing Regulations would not be updated and, thus, would result in less efficient and effective regulations for California’s trout fisheries.

V. Description of Reasonable Alternatives that Would Lessen Adverse Impact on Small Business

The proposed regulation will directly impact individual inland sport fisheries and only indirectly affect businesses, many of which are likely to be “small businesses” (per Government Code, Article 2, Section 11342.610). In response to public input and in accordance with Government Code Section 11346.2(b)(4)(B), several originally proposed changes were modified to lessen the potential for adverse impacts on small businesses that serve sportfishing activities, as noted in the right-hand column “Additional Comments and Considerations” in **Appendix A**. These alternatives were location-specific, such as for specific waters in the Sierra District, and elsewhere, to support local economic needs, public safety concerns, and local business operations.

VI. Mitigation Measures Required by Regulatory Action

The proposed regulatory changes may lead to potential localized impacts on the environment by opening some waters year-round, and modifying certain bag and possession limits, which could result in additional angler access to certain fishing areas, or increased take of trout, depending on the behavior of anglers in response to the regulations. While the proposed regulations would provide year-round openings for some waters, they are expected to result in no change or a small increase in angler days per year, which are anticipated to lead to less-than-significant impacts to the environment. The way the proposed regulations are structured ensure that the amount of take allowed will not exceed the sustainable yield level, and the populations will be maintained in equilibrium.

## VII. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following initial determinations relative to the required statutory categories have been made:

(a) Significant Statewide Adverse Economic Impact Directly Affecting Businesses, Including the Ability of California Businesses to Compete with Businesses in Other States

The proposed action will not have a significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

(b) Impact on the Creation or Elimination of Jobs Within the State, the Creation of New Businesses or the Elimination of Existing Businesses, or the Expansion of Businesses in California; Benefits of the Regulation to the Health and Welfare of California Residents, Worker Safety, and the State's Environment

The Commission anticipates neutral to positive impacts on the creation of jobs, no elimination of jobs or existing businesses, and neutral to positive impacts on the creation of new businesses or the expansion of businesses in California. The proposed regulatory changes will result in increased fishing opportunities that along with easier to comprehend regulations should retain the current number of anglers and may encourage the recruitment of new sport fishing anglers to sustain or increase support for businesses related to sportfishing.

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for inland sport fishing encourages outdoor activity and the consumption of a nutritious food. The Commission anticipates benefits to the environment by the sustainable management of California's inland sportfish resources. The Commission does not anticipate any benefits to worker safety.

(c) Cost Impacts on a Representative Private Person or Business

The Commission is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

(d) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State

None.

- (e) Nondiscretionary Costs/Savings to Local Agencies: None.
- (f) Programs Mandated on Local Agencies or School Districts: None.
- (g) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code: None.
- (h) Effect on Housing Costs: None.

VIII. Economic Impact Assessment

- (a) Effects of the Regulation on the Creation or Elimination of Jobs Within the State

The Commission anticipates neutral to positive impacts on the creation of jobs with no elimination of jobs.

- (b) Effects of the Regulation on the Creation of New Businesses or the Elimination of Existing Businesses Within the State

The Commission anticipates neutral to positive impacts on the creation of new businesses with no adverse impacts to existing businesses within the State.

- (c) Effects of the Regulation on the Expansion of Businesses Currently Doing Business Within the State

The Commission anticipates neutral to positive impacts on the expansion of businesses currently doing business within the State.

- (d) Benefits of the Regulation to the Health and Welfare of California Residents

The Commission anticipates benefits to the health and welfare of California residents. Providing opportunities for inland sport fishing encourages a healthy outdoor activity and the consumption of a nutritious food.

- (e) Benefits of the Regulation to Worker Safety

The Commission does not anticipate any benefits to worker safety because the proposed action does not affect working conditions.

- (f) Benefits of the Regulation to the State's Environment

The Commission anticipates benefits to the environment by the sustainable management of California's inland fishery resources.

- (g) Other Benefits of the Regulation

Other benefits of the proposed regulations are anticipated to be an increase in regulatory consistency statewide, a reduction in the complexity of the regulations, and a reduction in the number of Special Fishing Regulations by eliminating regulations that are no longer biologically justifiable.

## Informative Digest/ Policy Statement Overview

For years, the Fish and Game Commission (Commission) and the California Department of Fish and Wildlife (Department) have heard concerns from anglers about the complexity of freshwater sport fishing regulations. Some anglers (or potential anglers) may be dissuaded from fishing due to actual or perceived difficulty in complying with the regulations. This regulatory package represents Phase I of the proposed process and focuses on simplifying and streamlining the sport fishing regulations for inland trout waters. The Department will prepare a separate regulatory package in the near future (i.e., Phase II) to address the complexity of the sport fishing regulations for those inland waters that are utilized by adult fish for migration and spawning after spending the majority of their lives in the ocean (i.e., anadromous waters) .

The purpose and necessity of the proposed regulation changes is to address anglers' concerns regarding the complexity of the inland sport fishing regulations by simplifying the various regulatory options, and to align the inland trout regulations with the Department's current fisheries management goals and objectives. Major proposed changes aim to:

- Separate regulations for inland trout (i.e., non-anadromous waters) from those for steelhead and salmon (i.e., anadromous waters), a process that facilitates the production of separate regulations booklets to help provide clarity to anglers;
- Replace the District Regulations (Section 7.00) with statewide regulations separated for trout; and
- Standardize and consolidate the Special Fishing Regulations (Section 7.50).

The proposed changes aim to increase regulatory consistency statewide, reduce complexity of the inland sport fishing regulations, and remove regulations that are no longer biologically justifiable.

Normally, no single element of a regulation controls a sport fishery (e.g., most trout streams in California have both a closed season and bag limit). The type of gear, legal fishing hours, and use of bait are also part of the regulatory equation. Most often, combinations of elements of regulations apply to a given water. The following are elements of regulations used to manage trout populations in California.

- Seasons (specified opened or closed seasons)
- Bag and possession limits
- Size limits; and
- Gear and bait restrictions.

### Comprehensive Evaluation: Trout Menu

The Department evaluated above elements of the inland sport fishing regulations, specifically in the District Fishing Regulations in Title 14, Section 7.00, CCR and the Special Fishing Regulations in Title 14, Section 7.50, CCR. The District Fishing Regulations apply political boundaries in how the above regulatory elements are implemented by county line, in contrast to the watershed approach found within the Special Fishing Regulations, leading to complexity and associated public frustration stemmed from the diversity of different regulations established over decades, with limited alignment or consistency. The Department developed a suite of regulations, or "menu," comprised of angling

seasons, bag and possession limits, size limits, and gear restrictions, to standardize the Special Fishing Regulations in Title 14, subsection 7.50(b) and uncouple the inland trout waters from the District General Regulations in Title 14, subsections 7.00(a)-(g) and from anadromous waters. This menu described below represents the foundation of this rulemaking, and is the result of a collaborative effort by partners and fisheries biologists throughout the state to standardize the Special Fishing Regulations based on fisheries management goals, which include maximizing fishing opportunity (most liberal) and protecting sensitive fishery populations (most conservative).

### Trout Menu Coding

The trout menu described below primarily applies to amended sections 5.85, 7.00 and 7.50, and added Section 7.40. It is divided into three categories of a standardized suite of management approaches reflected as regulatory elements for the 200+ special inland waters in California:

- An updated Statewide Regulation;
- Seasons; and
- Bag/Possession Limits (plus gear restrictions and size limits).

For the proposed Section 7.50 regulatory language "Alphabetical List of Trout Waters with Special Fishing Regulations," in the table encompassing subsection 7.50(b), a right-hand column has been added called "Menu Option" to serve as an easy reference to the assigned management approach of each special regulation water. This column is only shown for the purpose of clarity for the Initial Statement of Reasons (ISOR) to indicate any changes affecting a water. The options are either assignment to one of the two statewide regulations ("SL," or "SR," as noted below), a combination from the trout menu of season, bag/possession and gear limitations for each state water, or coding showing the water has been moved to another section or deleted. The coding is also shown by special water in the Decision Matrix, Summary Table of Changes for the subsection 7.50(b) regulatory table (**Appendix A** to the ISOR).

#### Statewide Regulations

**"SL"** for Lakes and Reservoirs (proposed in amended subsection 5.85(a)(1)):

Open all year, five trout daily bag limit, 10 trout in possession.

**"SR"** for Rivers and Streams (proposed in amended subsection 5.85(a)(2)):

From the last Saturday in April through November 15, five trout daily bag limit, 10 trout in possession; and, from November 16 through the Friday preceding the last Saturday in April, 0 trout bag limit, artificial lures with barbless hooks only and trout must be released unharmed and not removed from the water.

#### Seasons

Seasons are described as follows, and designated by capital letters A-J (under "Menu Option" column shown in the amended subsection 7.50(b) table):

A. All year

B. Last Saturday in April through November 15

C. November 16 through the Friday preceding the last Saturday in April

- D. Last Saturday in April through July 31
- E. August 1 through November 15
- F. Saturday preceding Memorial Day through September 30
- G. Saturday preceding Memorial Day through the last day in February
- H. September 1 through November 30
- I. October 1 through the Friday preceding Memorial Day
- J. Closed to fishing all year

#### Bag and Possession Limits and Gear Restrictions

Bag and Possession Limits and Gear Restrictions are described as follows, and designated by numbers 1-7 (under "Menu Option" column shown in the amended subsection 7.50(b) table):

- 1. 5 trout, no gear restrictions
- 2. 2 trout per day, 4 trout in possession, no gear restrictions
- 3. 2 trout, artificial lures
- 4. 2 trout with 14" total length minimum, artificial lures
- 5. 2 trout with 18" total length minimum, artificial lures
- 6. 0 trout, artificial lures with barbless hooks
- 7. 0 trout, artificial flies with barbless hooks

Combined options for season (letter) and bag/possession limit and gear limitation (number) present as a capital letter-number code. For example, "B5" would signify a water with a season from the last Saturday in April through November 15, a bag/possession limit of 2 trout with 18" minimum size, and a gear restriction of artificial lures.

Two other codes in the right-hand column in the subsection 7.50(b) table inform anglers of how that particular water is considered, if it doesn't fall under one of the above codes.

"HSS" Refers to waters moved to the newly added Section 7.40 of Title 14 under the anadromous table for salmon and steelhead, proposed for naming as "Alphabetical List of Hatchery Steelhead and Salmon Waters with Special Fishing Regulations." Those waters with HSS coding are shown as ~~strikeout~~ in Section 7.50 because they are proposed for relocation to Section 7.40.

"Del##" Refers to a special water or regulation that is proposed for removal entirely from the Section 7.50(b) special regulations table, and justification for the removal is outlined by numerical increment below under the description for amendment of Section 7.50.

#### Proposed for Amendments

##### Amend subsection 5.00(b) Black Bass, Special Regulations

- Remove subsections (b)(3) Lassen County; (b)(4) Modoc County; (b)(7) Shasta County; (b)(9) Big Lake (Shasta County); (b)(13) Diamond Valley Lake; (b)(15) El Capitan Reservoir; (b)(22) Perris Lake; (b)(25) Silverwood Lake; (b)(26) Skinner Lake; and (b)(28) Trinity Lake.

- The Department is proposing to remove these subsections from the bass special regulations. Therefore, these waters will revert to the statewide standard under subsection 5.00(a) of open to fishing all year, with a 12-inch minimum size limit, and a five-fish daily bag limit. Specifically, two changes of non-regulatory effect include removal of (b)(15) El Capitan Reservoir, and (b)(22) Perris Lake as listed in the table, due to existing redundancy with the statewide standard because the season (all year), size (12-inch minimum), and bag limit already matches that of the statewide standard

The Department is proposing to amend the existing bass fishing season on Trout Lake to align with the proposed new trout fishing season under the Statewide Regulation "SL" as listed in subsection 7.50(b)(195.5) for Trout Lake.

- Amend subsections (b)(2) for waters in Inyo County, and (b)(5) and (b)(16) for waters in Mono County.

The Department is amending subsections (b)(2) and (b)(5) for waters in Inyo County to include reference to Inyo County streams and rivers in the Special Fishing Regulations in subsection 7.50(b). Subsection (b)(2) and (b)(5) amendments also clarify the closure to black bass fishing from November 16 to the Friday preceding the last Saturday in April to ensure anglers understand the open season is late April through November 15. Subsection (b)(16) similarly includes reference to Mono County streams and rivers in the Special Fishing Regulations in subsection 7.50(b), while correcting a reference for Fish Slough to the boundaries from Owens Valley Native Fishes Sanctuaries to the BLM Spring.

- Re-numbering of the waters in 5.00(b)

The resulting proposed list of special black bass waters is re-numbered by paragraph for clarity and consistency.

#### **Amend Section 5.41. Landlocked Salmon.**

Subsection (e) is amended so that the same exceptions formerly referenced in subsection 7.50(b) are specifically listed within this subsection with a daily bag limit of ten salmon, and possession limit of twenty.

#### **Amend Section 5.85. Trout.**

The name of this section is changed to reflect that only trout (and not salmon) are covered under this general regulation. Additional introductory language is added to clarify how the bag and possession limits should be interpreted, for the total number of trout in combination.

- Under subsection (a)(1), the Department is proposing to remove all trout fishing regulations for inland lakes and reservoirs from Section 7.00 District General Regulations and move them to Section 5.85, Trout. This addition of subsection (a)(1) to Section 5.85 provides the new proposed statewide regulation for slow-moving waters, or inland lakes, reservoirs, and ponds, as described in the trout menu and noted by the coding "SL."
- Under subsection (a)(2), the Department is proposing to remove all trout fishing regulations for inland rivers and streams from the Section 7.00 District General

Regulations. This addition of subsection (a)(2) to Section 5.85 provides the new proposed statewide regulation for fast-moving waters, or streams, rivers, creeks, and canals, as described in the trout menu and noted by the coding "SR." Under the new Statewide Regulation, these waters will be open to fishing from the last Saturday in April through November 15, with a five trout daily bag limit, and a 10 trout possession limit; and, from November 16 through the Friday preceding the last Saturday in April, with a zero trout bag limit, and artificial lures with barbless hooks only gear restriction.

- Subsection (b) describes those exceptions to the statewide regulations, and refers readers to Section 7.50, Alphabetical List of Waters with Special Fishing Regulations for individual trout waters with special regulations that would not fall under the statewide regulation. Subsection (b) further clarifies that brook trout bag and possession limits may be in addition to the trout bag and possession limits.

This proposal will result in either no change to the current regulations or an added possession limit for waters moved to the statewide regulation. Below is a description of changes to the district waters, Section 7.00.

Subsections (a) and (b) are necessary to inform anglers of the statewide standard season, bag, possession limit for lakes, reservoirs, and ponds, as well as streams, river, creeks, and canals that don't otherwise have a special regulation in subsection 7.50(b).

#### **Amend Section 7.00. District General Regulations**

To address anglers' concerns regarding the complexity of the 7.00 District General Regulations, the Department is proposing to uncouple the state's inland trout waters from the District General Regulations. Most regulations for trout waters currently under the District General Regulations will be moved to either the new subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs, or to subsection 5.85 (a)(2), Statewide Regulation for rivers, streams, creeks, and canals. Some individual trout waters will require special restrictions and reduced bag limits and, therefore, these regulations will be moved to Section 7.50, Special Fishing Regulations. The amendments will result in little or no substantive change to the regulations for most waters currently under the District General Regulations. Clarifications are made to the opening paragraph prior to subsection 7.00(a) to ensure clarity that hatchery trout and hatchery steelhead are covered under Section 7.00.

The Department proposes to remove or amend the following subsections:

- (a)(1) and (b)(3), delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing all year, with a five-trout daily bag limit, a 10 fish possession limit, no size limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), the new Statewide Regulation for lakes and reservoirs. In effect, there will be no substantive change to the existing regulations for these waters.
- (a)(4), (b)(4), and (b)(7) delete these subsections: Waters under the North Coast District and Sierra District subsections are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/ revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams, which will extend the fishing season on these waters to year-round with catch

and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.

- (a)(5) and (b)(9) delete these subsections: The current bonus bag limit for Brook Trout under the North Coast and Sierra District General Regulations will move/revert to a new Section 5.84, Statewide Regulation for Brook Trout. The new Statewide Regulation for Brook Trout will apply to all inland trout waters not listed under the Special Fishing Regulations, with the exception of Red Lake in Alpine County which is managed for trophy-sized trout by stocking effort.
- (b)(5) delete this subsection: Waters under this subsection in Shasta County are currently open to fishing from the last Saturday in April through November 15, with a two-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This proposed change will increase the current daily bag limit to five trout and add a 10 trout possession limit. In addition, the fishing season will be extended to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- (b)(6) delete this subsection.: Waters under this subsection in Lassen and Modoc counties are currently open to fishing from the Saturday preceding Memorial Day through November 15, with a five-trout daily bag limit, a 10 trout possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.
- (c)(1), (d)(1), (e)(1), (f)(1), and (g)(2), delete these subsections: Waters under these subsections in the North Central District, Valley District, South Central District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(1), Statewide Regulation for lakes and reservoirs. As a result, the possession limit on these waters will increase from five trout to 10 trout.
- (d)(3), (f)(3), (f)(5), and (g)(2) delete these subsections: Waters under these subsections in the Valley District, Southern District, and Colorado River District are currently open to fishing all year, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. As a result, the possession limit will increase from five trout to 10 trout from the last Saturday in April through November 15. Catch and release fishing only will be allowed from November 16 through the Friday preceding the last Saturday in April.
- (e)(3) amend this subsection: Waters under this subsection for Alameda, Contra Costa, and Santa Clara counties are currently open to fishing from the last Saturday in April through November 15, with a five-trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to

subsection 5.85(a)(2), the new Statewide Regulation for rivers and streams. This will increase the possession limit to 10 trout and extend the fishing season to year-round, with catch and release fishing allowed from November 16 through the Friday preceding the last Saturday in April.

- (g)(1) delete this subsection: Waters under this subsection are currently open to fishing year-round, with a 10 trout daily bag and possession limit, and no gear restriction. For simplification purposes, regulations for these waters will move/revert to subsection 5.85(a)(2), Statewide Regulation for rivers and streams. This will reduce the daily bag limit from 10 trout to five trout from the last Saturday in April through November 15 and allow catch and release fishing only from November 16 through the Friday preceding the last Saturday in April.
- (b)(8) delete this subsection: This language is no longer needed under Section 7.00(b) as all Mono County waters under the District General Regulations will be subject to the two new Statewide Regulations for trout (i.e., Section 5.85(a) or Section 5.85(b)), or to Section 7.50(b), Special Fishing Regulations. This language does not need to move to Section 5.85 or Section 7.50 as waters under the new Statewide Regulations will be open to fishing year-round and similar language already exists under subsection 7.50(a)(3) of the Special Fishing Regulations.
- (b)(2), amend this subsection: Anadromous waters under this subsection for Tehama and Shasta counties are currently open to fishing from the last Saturday in April through November 15, with a two-trout or steelhead daily bag and possession limit, and artificial lures with barbless hooks restriction. This subsection is amended for section and paragraph numbers, and to clarify the artificial lures possess hooks that are barbless.
- Edits for clarity and consistency: These edits include re-numbering of paragraphs within District Regulations in subsections 7.00(b) through (g), adjusted capitalization of certain words throughout Section 7.00, and specification of the referenced Section number to clarify interpretation from the previous 7.50 to the newly added 7.40 section.

### **Amend Section 7.50. Alphabetical List of Trout Waters with Special Fishing Regulations.**

It is necessary to streamline the Special Fishing Regulation trout waters by utilizing the trout menu described above to align the regulations with the Department's current fisheries management goals and objectives. The regulations proposed herein were tailored to each individual water, and include a variety of combinations of regulation elements, such as bag limits, gear restrictions, season restrictions, and size limits. Upon review of the extensive public input received during pre-notice outreach efforts (Appendix B), Department fisheries biologists and managers, often in consultation with fishing groups or individuals, assigned waters to the trout menu based on their expertise and knowledge of specific waters in their management area.

As a result of this streamlining process, the number of:

- Special fishing seasons for trout-only waters will be reduced from 30 to 10;
- Special size limits will be reduced from 8 to 2;
- Different gear restrictions will be reduced from 10 to 7;
- Different bag/ possession limits will be reduced from 6 to 4; and

- Fishing opportunities will be expanded on nearly 50 percent of the existing special regulation waters from a reduced season to year-round.

As noted in **Appendix A** to the ISOR, proposed amendments and additional comments and considerations are summarized for Section 7.50(b), Alphabetical List of Waters with Special Fishing Regulations. This table includes the biological and management rationale for proposed changes to each special water, as well as other considerations such as public input, socio-economic considerations, traditional values, access and public safety, etc.

For those special waters without a special assigned management approach from the menu listed in **Appendix A**, the proposed regulatory text outlining the "Menu Option" in the right-hand column indicates the assigned management approach of each water (assignment to Statewide lakes/reservoirs, or "SL", statewide rivers and streams, or "SR", etc.)

***Truckee River Management Options, Section 7.50(b), Subsections (196)(B), (196)(C), and (196)(D)***

At the Commission's April 15, 2020 meeting, George Osborn, representing Mr. Montna, requested that the Commission consider Mr. Montna's proposal as an alternative to the Department's proposed regulations for the Truckee River subsections (196)(B), (C), and (D). The Commission directed the Department to add a regulatory option to allow further consideration of Mr. Montna's proposal.

**Option 1 – Department Proposal**

The Department is proposing to amend the current regulation on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek (re-numbered subsection 7.50(b)(153)(B)), to open all year, zero trout daily bag, and artificial lures with barbless hooks. This will remove the current two-trout daily bag and possession limit from the last Saturday in April through November 15. It will also change the gear restriction from artificial flies to artificial lures between Glenshire Bridge and the mouth of Prosser Creek. The Department is also proposing to amend the current regulation from the mouth of Prosser Creek downstream to the Nevada State Line (re-numbered subsection 7.50(b)(153)(C)) to open all year, two-trout daily bag and possession limit, and artificial lures. This will increase the daily bag limit from zero trout to two trout from November 16 through the Friday preceding the last Saturday in April. This will also change the gear restriction from artificial lures with barbless hooks to artificial lures, thus removing the requirement for barbless hooks.

**Option 2 – Mr. Montna's Proposal**

Mr. Montna supports the Department's proposed changes to the current regulations on the Truckee River from Trout Creek downstream to the mouth of Prosser Creek to open all year with a zero trout daily bag limit, but requests that the Department change the proposed gear restriction from artificial lures with barbless hooks to artificial barbless flies. Mr. Montna also requests that the Department's proposed regulations from the mouth of Prosser Creek downstream to the Nevada State Line be changed to a zero trout daily bag limit, and artificial lures with barbless hooks. This will reduce the current daily bag limit from two to zero trout from the last Saturday in April through November 15 and keep the requirement for barbless hooks in place.

## **Amend Section 8.10, Youth Fishing Derby, Susan River (Lassen County)**

The Youth Fishing Derby on the Susan River is held every year one week before the trout season opener, which currently is the Saturday preceding the last Saturday in April. The Department is proposing to move the season opener from the last Saturday in April to the Saturday preceding Memorial Day. The Department will continue to hold the derby on the Saturday before the season opener and, therefore, it is necessary to change the youth fishing derby date from the Saturday preceding the last Saturday in April to the Saturday preceding the trout season opener in May. Added language refers to subsection 7.50(b)(149) for regulations on the Susan River.

### **Proposed for Addition**

#### **Add Section 5.84. Brook Trout.**

Currently under the North Coast and Sierra District General Regulations (subsections 7.00(a)(5) and (b)(9)) up to 10 Brook Trout less than 8 inches and 10 inches, respectively, may be harvested per day, in addition to the daily bag and possession limits for trout. This regulation will be removed from Section 7.00 under the current proposal to uncouple the trout regulations from the District General Regulations. In its place, the Department is proposing a new Statewide Regulation for Brook Trout in Section 5.84 which will allow the harvest of up to 10 Brook Trout less than 10 inches per day in all inland trout waters, year-round. Because of the remoteness of these fisheries and for simplification purposes, the Department is proposing to expand the Brook Trout bonus bag and possession limit to inland trout waters statewide. Exceptions to this Brook Trout bonus bag limit include all waters listed in Section 7.50, Trout Waters with Special Fishing Regulations, and Red Lake in Alpine County, which is managed as a trophy Brook Trout fishery.

#### **Add Section 5.89. Salmon**

This Section will be added only to refer readers to the appropriate regulatory sections for salmon and steelhead, which are not the focus of this current rulemaking, but may be for a subsequent one (i.e., Phase II).

#### **Add Section 7.40. Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations**

For simplification purposes, the Department is proposing to separate the trout special fishing regulation waters (inland waters) from the salmon and steelhead special fishing regulation waters (anadromous waters). The special fishing regulations for trout will remain in Section 7.50. This requires a new regulatory section be created for the hatchery trout, hatchery steelhead and salmon special fishing regulation waters (abbreviated "HSS" per the coding outlined in the trout menu). The proposed new section is Section 7.40, Alphabetical List of Hatchery Trout, Hatchery Steelhead, and Salmon Waters with Special Fishing Regulations. The existing language in subsections 7.50(a)(1)-(6) will be included in the new Section 7.40, but references to trout will be replaced with salmon and steelhead. All the special waters indicated by the coding "HSS" in the subsection 7.50(b) table are moved into the new 7.40 table, and aside from this move, are not proposed to be altered as part of this rulemaking. Approximately 185 individual waters, or reaches of waters, are proposed to be moved from subsection 7.50(b) to the new 7.40 table.

## **Proposed Changes Without Regulatory Effect**

### **Amend Section 3.00. Fishing Hours.**

The reference in subsection (a)(1)(B) Heenan Lake, (Alpine Co.) is changed to subsection 7.50(b)(56) because of renumbering in the section.

### **Amend Section 4.00. Bait - General.**

The reference in subsection (d) Hat Creek is changed to subsection 7.50(b)(55) because of renumbering in the section.

### **Amend Section 5.00 Black Bass Special Regulations.**

Remove the special closure language (b)(14), Eastman Lake. This language was removed from the sport fishing regulations in 2017.

Subsection (a) title, General Statewide Restrictions, is changed to read General Statewide Regulations to be more accurate and consistent with other statewide regulations sections in Title 14.

Subsection (a)(1) is being amended to specify that the Black Bass 12 inch minimum size limit is to be measured in total length. This requirement is already specified in subsection 5.00(b). It is being added to Section 5.00(a)(1) to provide additional clarity.

### **Benefits of the Proposed Regulations**

It is the policy of this State to encourage the conservation, maintenance, and utilization of the living resources of the ocean and other waters under the jurisdiction and influence of the State for the benefit of all the citizens of the State and to promote the development of local fisheries and distant water fisheries based in California in harmony with international law. The objectives of this policy include, but are not limited to, the maintenance of sufficient populations of all species of aquatic organisms to ensure their continued existence, and the maintenance of a sufficient resource to support a reasonable sport use. Adoption of scientifically-based trout seasons, size limits, and bag and possession limits provides for the maintenance of sufficient populations of trout to ensure their continued existence.

The benefits of the proposed regulations include up to date and streamlined trout fishing regulations that are consistent statewide, consistency with federal fishery management goals, sustainable management of California's trout fisheries, promotion of the general health and welfare of California residents, and promotion of businesses that rely on sport fishing throughout the state. The proposed changes will provide benefits by maximizing trout fishing opportunity, where possible, through the proposed extensions of fishing seasons and increases in bag and possession limits on both district and special regulations waters without adversely affecting native and non-native wild trout populations. The proposed regulatory changes may increase participation in sport fishing by new anglers, and increased retention of existing angler through simpler regulations facilitating ease of compliance and comprehension.

### **Consistency and Compatibility with Existing Regulations**

Article IV, Section 20 of the State Constitution specifies that the Legislature may delegate to the Fish and Game Commission such powers relating to the protection and propagation of fish and game as the Legislature sees fit. The Legislature has delegated to the Commission the power to regulate

recreational fishing in waters of the state (Fish and Game Code sections 200, 205, 315 and 316.5). The Commission has reviewed its own regulations and finds that the proposed regulations are neither inconsistent nor incompatible with existing state regulations. The Commission has searched the California Code of Regulations and finds no other state agency regulations pertaining to trout sport fishing seasons, bag, and possession limits.

